

Agenda

Planning and Regulatory Committee

Date: **Wednesday 8 April 2026**

Time: **10.00 am**

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

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

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson **Councillor Terry James**
Vice-chairperson **Councillor Clare Davies**

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

Agenda

		Pages
	PUBLIC INFORMATION	
	GUIDE TO THE COMMITTEE	
	NOLAN PRINCIPLES	
1.	APOLOGIES FOR ABSENCE	
	To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY)	
	To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST	
	To receive declarations of interests in respect of items on the agenda.	
4.	MINUTES	13 - 92
	To approve the minutes of the meeting held on:	
	i) 25 February 2026; and	
	ii) 18 March 2026.	
5.	CHAIRPERSON'S ANNOUNCEMENTS	
	To receive any announcements from the Chairperson.	
6.	242783 - LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE	93 - 196
	A hybrid planning application comprising: An application for full planning permission for the erection of a Day Nursery (Use Class E (f)) and Foodstore (Use Class E (a)) including access, car parking landscaping and associated work; & an application for outline planning permission for the erection of a medical centre (Use Class E(e)), with access to be determined and all other matters reserved.	
7.	251666/251667 - CHURCHILL HOUSE, 3 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE	197 - 220
	Provision of security cameras fixed to the exterior of the building and provision of boundary fencing for safeguarding purposes.	
8.	DATE OF NEXT MEETING	
	Date of next site inspection – 5 May 2026	
	Date of next meeting – 6 May 2026	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Travelling to the meeting

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

Guide to Planning and Regulatory Committee

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

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

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

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

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

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

Role of the local ward member

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

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

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

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 25 February 2026 at 10.00 am

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

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

In attendance: Councillors Cornthwaite and Proctor

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

61. APOLOGIES FOR ABSENCE

There were no apologies for absence.

62. DECLARATIONS OF INTEREST

There were no declarations of interest.

63. MINUTES

RESOLVED: That the minutes of the meeting held 14 January be approved.

64. 252698 - PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE

Councillor Dave Davis acted as the local ward member for the application below

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

In accordance with the criteria for public speaking Mr Whurr, local resident, spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application site was located in a sensitive landscape. Concerns had been raised over the change of use for an old stable block. An initial application had been rejected 30 years previously; images of the site from 2009 and 2012 showed collapsed buildings and significant undergrowth and greenery. More recent pictures of the site, from 2024, show work that had been undertaken to the buildings and clearance of vegetation on the site. The application site was located in the river Wye SAC and was not felt to be suitable as a location for storage of building goods and materials. No tyre marks were discernible on the access to the site which brought

into question its use as a storage site for building materials. There were concerns within the local community of the impact of noise generated from the site and the use of the toilet in the stables discharging effluence during times of heavy rainfall. There was concern that this application was a precursor to building a house and a holiday let on the land. The application did not enhance biodiversity or geodiversity as required by the core strategy. There were more suitable locations for builders storage within Hereford.

The committee debated the application. There was sympathy with local residents regarding the potential uses of the site in the future however the committee acknowledged it was constrained in considering the application before it which was for a change of use of building to storage (class B8). It was noted that any proposal to build a domestic dwelling on the site would be subject to a further planning application and permission. There was concern regarding the steep access to the site and the potential requirement for hard standing to facilitate the access of lorries and trade vehicles to the storage building. It was considered that in the event of a hard standing access to the site a condition would be required to protect the root system of trees on the site.

The Development Manager and the Highways Advisor provided the following clarification:

- an additional condition could be added to the permission for any changes to the access to be submitted and agreed in writing. Account could then be taken at that stage of the protection of the root system for nearby trees;
- it was confirmed that a section 184 licence would be required if there were changes to the access to the site. The requirement for this licence could be added to the permission as an informative.

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

Councillor Bruce Baker proposed and Councillor Stef Simmons seconded a motion that the application be approved with the addition of a condition to require any changes to the access to be agreed in writing and an informative to detail the requirement of a section 184 licence to permit changes to the access.

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

Resolved – that planning permission be granted subject to the following conditions, the addition of a condition to require any changes to the access to be agreed in writing, an informative to detail the requirement of a section 184 licence to permit changes to the access and any other further conditions considered necessary by officers named in the scheme of delegation:

1. C06 – Development in accordance with approved plans

The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1, E1, RA6 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

2. C52 (Hours of use, vehicle movements and deliveries)

No staff shall be on site and no deliveries shall be taken at or despatched from the site in relation to the approved use outside of the following times:

**07:30 to 17:30 Mondays to Fridays;
07:30 to 14:00 Saturdays**

- Reason: To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.**
- 3.**

CNS (Noise Management Plan)

By 30th April 2026, a detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall provide a comprehensive overview of how the use will be operated to ensure that any potential for adverse neighbouring amenity impact through noise is minimised.

The NMP shall be broken down into and address the following subheadings:

- statement of intent**
- a brief summary of the premises / site / activities**
- a location / site plan**
- an inventory of all potential noise sources**
- details of noise controls and limits**
- site noise monitoring and / or evaluation**
- mechanism for responding to complaints (including actions to be undertaken and recorded)**
- management command, communication, and contact details**
- periodic NMP review**

The approved NMP shall be implemented and thereafter remain in place for the lifetime of the development.

Reason: To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. C57 (Restriction on use) – Storage (B8)**

The use hereby approved shall be solely used for storage of construction machinery, tools and building materials and for no other use, including any other use within Use Class B8, as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Any other use shall not take place without the prior written consent of the Local Planning Authority.

Reason: To secure the specific nature of use applied for in respect of the defined planning unit and to control the nature of the uses in the interests of securing compliance with policies RA6, SD1 and MT1 of the Herefordshire Local Plan Core Strategy; Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

- 5. CNS (HRA – PTP and Soakaways)**

Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to a package treatment plant; and all surface water managed by on-site Sustainable Drainage System or soakaways. The foul and surface water management shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Lugg (Wye) SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

CNS (Approval of External Lighting)

6. Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. Development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of nearby properties so as to comply with policies SD1, LB2 and RA6 of Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

CNS (Retention of Trees)

7. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the development for its permitted use, other than in accordance with the plans and particulars approved pursuant to this permission.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CNS (No outside storage)

8. No goods, plant, materials or machinery associated with the approved use of the building shall be deposited or stored outside the building or land within the application red line boundary at any time.

Reason: To protect the character and appearance of the locality, to safeguard residential amenity and to comply with Policies RA6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. IP2 – Application Approved Following Revisions
2. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:
www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. I33 – Ecology (General)

Councillor Dave Davis resumed his seat on the committee

65. 251696 - ST BARNABAS CHURCH, ST BARNABAS CLOSE, HEREFORD, HEREFORDSHIRE, HR1 1DT

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

In accordance with the criteria for public speaking Mr Phelps and Mr Wood, local residents, spoke in objection to the application Mr Patient, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the proposed care home was in a residential area and adjacent to two other care homes. It was recognised that the community space contained at the church was the only such facility in the electoral division of College and was a sad loss to local residents. There was a limited number of community buildings within the north of the city. However, it was also recognised that there was a need for high quality care facilities locally. Therefore a balance had to be struck between the need for care facilities and the potential loss of community facilities. It was noted that the rear of the site declined towards Admiral Close and the proposed building represented a significant change to the character of the site. The design represented a mix of materials, ridge heights and outlooks. In the absence of a predominant local vernacular the design was not considered out of keeping and the building would be unobtrusive when viewed from Venns lane. However, the building would overlook residential properties within Admiral Close and whilst it was recognised the windows had been removed to the rear of the building to mitigate overlooking and loss of privacy it was queried whether this was sufficient to address concerns regarding residential amenity. Further, there were concerns regarding the impact of lighting from the site on neighbouring properties, the substantial nature of the building proposed and the impact on the landscape and the view of the area from the city.

In accordance with the council's constitution, the adjacent ward member spoke on the application. In summary, he explained that the church represented a valuable community asset and an example of important local heritage. It was important to act responsibly in respect of the existing church and any decision to demolish was felt to be premature. A community consultation conducted by the diocese was raised in which the overwhelming majority of local residents had asked for the church to remain in use. A requirement in the NPPF that the loss of a community facility must be justified was undermined by the overwhelming support for the retention of the church within the local community. There was demand for facilities and space for local groups from the local community. A Bill, currently passing through parliament, was raised which was of relevance to the current decision to be considered by the committee; the bill concerned the protection of community facilities. The bat survey attached to the application was felt to be invalid as it had been undertaken at a time when bats were hibernating. Photographic evidence had been submitted by local residents which demonstrated the presence of bats on the site. There had been inadequate assessment of the heritage value of the site which was a requirement of the NPPF. The existing church offered a viable space for community use and the local community had expressed an ongoing interest in utilising the site. Any decision to demolish the church will be irreversible and the deferral or refusal of the application was urged to allow for proper ecological surveys, heritage assessments and further examination of alternative facilities for use by local community groups.

The committee debated the application, the following principal points were raised:

- There was concern regarding the process to secure certificate B relating to private land contained in the application. Before any further work on the application was undertaken clarification was required regarding the status of this certificate;
- The scale of the building proposed, the massing on site and the proximity to nearby residential properties in Admirals Close was felt to represent an unacceptable and adverse impact on the landscape and residential amenity. The application was therefore contrary to core strategy policies SD1 and LD1;
- the application was in conflict with core strategy policy SC1, there was an absence of local community facilities locally and the building was still viable as a facility for the use of community groups.

The local ward member was given the opportunity to close the debate. In summary, he explained that the committee had engaged with the issues and whilst it was recognised there was a need for care facilities there was also the need for community facilities in the city.

The adjoining ward member was given the opportunity to close the debate. In summary, he explained the community use of the space had ended in April 2024 however there was local demand for community space.

Councillor Stef Simmons proposed and Councillor Catherine Gennard seconded a motion that the application be refused for the following reasons:

- The scale, massing and the proximity of the building to local residential dwellings represented an adverse impact on residential amenity and the landscape and was contrary to core strategy policies SD1 and LD1;
- The loss of community facilities was contrary to core strategy policy SC; there was an absence of alternative local community facilities and the building was felt to be viable as a space for local community groups; and
- Clarification was required regarding the status of certificate B in relation to private land contained in the application.

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

RESOLVED – that the application be refused for the following reasons:

- **The scale, massing and the proximity of the building to local residential dwellings represented an adverse impact on residential amenity and the landscape and was contrary to core strategy policies SD1 and LD1;**
- **The loss of community facilities was contrary to core strategy policy SC1; there was an absence of alternative local community facilities and the building was felt to be viable as a space for local community groups; and**
- **Clarification was required regarding the status of certificate B in relation to private land contained in the application.**

66. 51998 - LAND AT REAR OF MORTIMER COURT, BRIMFIELD, HEREFORDSHIRE, SY8 4NQ

Councillor John Stone acted as a local ward member for the applications below.

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

In accordance with the criteria for public speaking Mr Harris spoke on behalf of Brimfield and Little Hereford group parish council, Mr Norris, local resident, spoke in objection to the application and Mr Yarnold, applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the site was accessed by a narrow private road and two way movements were very difficult. The proposal for seven dwellings on the application site would generate a number of additional vehicle movements resulting in conflict between vehicles. It would be preferable for fewer dwellings on the application site given the local constraints. The parish council had expressed concerns regarding the application and opposed the proposal due to: road safety; insufficient parking on site; overdevelopment resulting in the loss of privacy in conflict with core strategy policy SD-1; and flood risk with potential for contamination of the land from local sewage infrastructure. The sewage system locally was inadequate with work required to the pumping station to renew its operation. It was recognised there was some support for the proposal which would introduce rental properties to the local area. Whilst the lack of a five year housing land supply required a presumption in favour there was concern that the view of the parish council was not taken into account. The NDP now had less weight as it was now 5 years old and the current application represented piece-meal development locally; local democracy and decision-making was undermined by the centralised imposition of housing targets. The application site was not in a sustainable location; the local area was lacking in services/facilities and local residents were dependent on cars.

The committee debated the application. It was recognised that there were certain constraints regarding the application site however it was acknowledged that there was a need within the county for two and three bedroom dwellings and rental properties. There was concern regarding arrangements for refuse collection from the site and it was felt that condition 13 should be a pre commencement condition that should be agreed in writing prior to construction of the development.

The Development Manager provided clarification that condition 13 could be required as a pre-commencement condition with final details for refuse management agreed prior to the construction of the development.

The local ward member was given the opportunity to close the debate. In summary, he explained that there was concern about the waste collection from the site and the cost to local residents of collection by private waste companies. Whilst it was noted that there was a need for more rental properties in the county these should be located in suitable locations. The objection of the parish council concerned: road safety relating to the access; insufficient parking on the site; uncertainty regarding refuse collection and arrangements on the site; inadequate sewage system; increased risk of flooding caused by hard standing within the development; and the adverse impact on local amenity resulting from the intensive location of properties on the site. The site was not in the NDP and there were better sites within the development boundary of Brimfield and Little Hereford. The view of the parish council was that the adverse impacts of the site outweighed the benefits therefore the presumption in favour could be overridden.

Councillor David Davis proposed and Councillor Peter Hamblin seconded a motion that the application be approved a change to conditions to require condition 13 to be discharged as a pre-commencement condition.

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

RESOLVED – that:

That officers named in the Scheme of Delegation are authorised to grant full planning permission subject to the conditions set out below, a change to conditions to require condition 13 to be discharged as a pre-commencement condition and any other further conditions considered necessary:

STANDARD CONDITIONS

Time limit

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved plans + materials

- 2. The development hereby permitted shall be carried out strictly in accordance with the approved plans listed below, and the materials as indicated on the Design and Access Statement (034 8001 P-00 / July 2025).**

- 0345-501 P-00 Proposed Site Plan**
- 0345-505 P-00 Proposed Ground Floor Plan 1 to 4**
- 034-507 P-00 Proposed First Floor Plan – Houses 1 to 4**
- 034-506 P-00 Proposed Ground Floor Plan – Houses 5 to 7**
- 034-512 P-00 Proposed Elevations**
- 034-509 P-00 Proposed Illustrative Site Plan**
- 034-510 P-00 Proposed Illustrative Site Plan**

Reason: To ensure adherence to the approved plans in the interests of proper planning and for the avoidance of doubt, in accordance with Policies SD1 the Herefordshire Local Plan – Core Strategy, Policies BLH1, BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

CONSTRUCTION PERIOD

Construction Management Plan

- 3. No development, other than site set-up works required for the creation of a site compound, site fencing, welfare facilities and enabling works necessary to facilitate the access-widening works approved under Condition 4, shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not necessarily be limited to:**

- construction traffic routing, HGV management and contractor parking;**
- measures to prevent obstruction of Wyson Lane and the private access road;**
- arrangements for loading/unloading and the storage of plant and materials;**
- dust, noise and vibration control measures;**
- hours of working and deliveries;**

- **pollution-prevention measures to avoid run-off, debris or materials entering the highway;**
- **details of utility installation works and measures to minimise associated disruption;**

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

Reason: To safeguard highway safety, residential amenity and the local environment during construction, in accordance with Policies MT1, SD1, LD1, LD2, LD3 and SS6 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Access widening

- 4. No development, other than site-set-up works and enabling works necessary to facilitate the access-widening, shall take place until the access road has been widened to 4.8 metres for the first 10 metres measured back from the edge of Wyson Lane, in accordance with Drawing T25543.001 Rev A (or any variation approved in writing by the Local Planning Authority).**

Once completed, the widened section shall be retained for the lifetime of the development.

Reason: To ensure safe two-way vehicle movements at the junction throughout the construction and operational phases, in the interests of highway safety, in accordance with Core Strategy Policy MT1, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Vegetation clearance / ecology

- 5. No vegetation clearance, including removal of scrub, shall take place until the Local Planning Authority has been provided with written confirmation of the appointment of a suitably qualified ecologist. All vegetation clearance shall thereafter be carried out under the direct on-site supervision of the appointed ecologist, who shall remain present during clearance operations to ensure that no protected species are harmed. Any contingency measures recommended by the supervising ecologist during the works shall be implemented in full.**

Reason: To safeguard protected species and avoid harm to biodiversity in accordance with Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Access surfacing / drainage

- 6. Prior to the commencement of any works to the access, a detailed scheme for the surfacing, levels and drainage of the private access road (from Wyson Lane to the development site) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but may not be limited to the following;**

- measures to prevent surface-water run-off onto Wyson Lane;
- permanent arrangements for maintenance.

The access shall be constructed in accordance with the approved details prior to the occupation of any dwelling and shall thereafter be retained.

Reason: To ensure that surface-water is managed appropriately and does not adversely affect highway safety or increase flood risk, in accordance with Herefordshire Local Plan - Core Strategy Policies SD3, MT1 and SD1, Policies BLH1, BLH12 and BLH14 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.

Landscaping

7. With the exception of any site clearance and groundworks, no development shall take place until a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- species, planting densities and numbers;
 - details of boundary treatments;
 - surfacing materials;
 - tree and hedge protection measures during construction.

The approved scheme shall be completed in the first planting season following the first occupation of the dwellings or completion of the development, whichever is sooner.

Reason: To safeguard landscape character, visual amenity and biodiversity, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan - Core Strategy, Policies BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

PRIOR TO FIRST USE/OCCUPATION

Visibility splays

8. Prior to the first occupation of any dwelling, the visibility splays shown on Drawing T25543.001 Rev A shall be constructed in full, providing a 2.4 metre x 34.6 metre visibility splay to the west and a 2.4 metre x 33.2 metre visibility splay to the east, as measured from the centreline of the site access onto Wyson Lane.

No structure, vegetation or other obstruction exceeding 0.6 metres in height above the level of the adjoining carriageway shall thereafter be placed or allowed to grow within these visibility splays. All vegetation identified for removal or trimming to achieve the required sightlines on Drawing T25543.001 Rev A shall be cut back prior to first occupation and shall thereafter be maintained to ensure the splays remain unobstructed for the lifetime of the development.

Reason: To ensure adequate emerging visibility from the access in the interests of public highway safety, in accordance with Policy MT1 of the Herefordshire Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.

Water efficiency

- 9. Prior to the first occupation of any dwelling, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan- Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Parking and turning

- 10. Prior to the first occupation of any dwelling, the parking and turning areas serving that dwelling, as shown on the approved plans, shall be laid out, consolidated and surfaced in accordance with the details as approved under Condition 8. These areas shall thereafter be kept available for the parking and manoeuvring of vehicles and shall not be used for any other purpose for the lifetime of the development.**

Reason: To ensure adequate on-site parking and turning facilities are provided and retained in the interests of highway safety and the efficient operation of the local highway network, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Cycle storage

- 11. Prior to the first occupation of any dwelling, details of secure and covered cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed prior to the first occupation of the dwelling it serves and shall thereafter be retained and kept available for its designated purpose for the lifetime of the development.**

Reason: To promote sustainable transport, reduce reliance on private vehicles, and ensure appropriate provision for cyclists, in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Swifts

- 12. Prior to the first occupation of any dwelling, photographic evidence demonstrating the installation of a minimum of three integrated swift nesting boxes, positioned in accordance with the approved plans, shall be submitted to and acknowledged in writing by the Local Planning Authority. The swift boxes shall be installed under the supervision of a suitably qualified ecologist to ensure appropriate height, aspect and placement, and shall be retained and maintained as installed for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To enhance biodiversity and provide ecological net gains in accordance with Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core

Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

Waste strategy

13. Prior to the first occupation of any dwelling, a detailed Waste and Recycling Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- (a) the appointed private waste provider's details;**
- (b) written confirmation of a contract for waste and recycling collection;**
- (c) management arrangements for maintaining the contract;**
- (d) a Bin Collection Plan showing bin storage points, collection points, drag routes, gradients and accessibility;**
- (e) contingency arrangements should the provider withdraw; and**
- (f) an information pack for future residents outlining permanent waste and recycling arrangements.**

The approved scheme shall thereafter be implemented and retained for the lifetime of the development.

Reason: To ensure appropriate, safe and sustainable waste management to protect residential amenity and highway safety, in accordance with Policy SD1, MT1 and SS6 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

COMPLIANCE/OPERATIONAL

Surface water drainage

14. The development shall be carried out strictly in accordance with the approved surface-water drainage strategy, including the provision of plot-level soakaways as indicated on Updated soakaways location plan dated 14 January 2026.

No dwelling shall be occupied until the approved drainage systems serving it have been installed and are fully operational. The systems shall be retained and maintained thereafter.

Reason: To ensure satisfactory drainage, reduce flood risk and prevent pollution, in accordance with Policies SD3 of the Herefordshire Local Plan - Core Strategy, Policies BLH12 and BLH14 of the Neighbourhood Development Plan, and the National Planning Policy Framework.

Foul drainage

15. Foul water from the development shall be discharged to the public foul sewer network. No dwelling shall be occupied until connection to the mains sewer has been completed and is fully operational. The foul-drainage arrangements shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure satisfactory foul-water disposal and to prevent additional nutrient pathways to the River Teme SSSI and the hydrologically linked River Clun SAC, in accordance with Herefordshire Local Plan - Core Strategy Policy SD4, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

PV panels

- 16. The photovoltaic (PV) panels shown on approved drawing 034-512 Rev P-00 shall be removed from the dwellings in full once they become permanently inoperative, obsolete or no longer functional, and all roof surfaces shall thereafter be reinstated using materials to match the host dwelling, unless otherwise first approved in writing by the Local Planning Authority.**

Reason: To ensure that the appearance of the dwellings remains satisfactory in the long term and to safeguard local character, in accordance with Herefordshire Local Plan - Core Strategy Policies SD1, SD2 and LD1, Policies BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and Section 12 of the National Planning Policy Framework.

There was an adjournment at 12:57 p.m.; The meeting reconvened at 12 59 p.m.

67. 252059 - TEMESIDE INN, LITTLE HEREFORD, LUDLOW, HEREFORDSHIRE, SY8 4AT

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

In accordance with the criteria for public speaking Mr. Harris spoke on behalf of Brimfield and Little Hereford group parish council, Mr Comley local resident and Mr Haslam, CAMRA, spoke in objection to the application and Mr Leonard, the applicant, spoke in support.

In accordance with the councils constitution the local ward member spoke on the application. In summary, he explained that the pub had been closed since February 2020 and the buildings were now in a state of disrepair. There had been a worrying trend concerning the closing of pubs nationally and the closure of the Temeside Inn was a great loss to the village of Little Hereford. The parish council strongly objected to the application which had also received a number of objections. The application was contrary to core strategy policy SC1 as there were no other local facilities as alternatives to the pub. The loss of a local pub also was contrary to core strategy policies RA6 and SS1. Concerns regarding flooding were queried as the impact on a private dwelling would be similar to that on a pub. The pub offered jobs to local people, it was popular with tourists and contributed to the local economy. Other local community facilities, such as village halls were not suitable alternatives to the pub which also help to address isolation and loneliness.

The committee debated the application and was divided regarding the acceptability of the proposals to agree a change of use of the public house to a dwelling house.

It was the contention of some members of the committee that given the flooding of the pub and the inability to secure public liability/flooding insurance that the pub was no longer a viable commercial enterprise and that the application should be approved.

Other members of the committee were concerned that the application represented the loss of a vital community facility for which there was no adequate alternative locally which was contrary to core strategy policy SC1 and policy BLH 6(a) of the local neighbourhood development plan. It was felt that insufficient evidence had been provided that the pub had been adequately marketed recently. The loss of such an important element of a local facility would undermine the retention and development of

accessible local services and community facilities which was contrary to paragraph 88(d) of the NPPF.

The local ward member was given the opportunity to close the debate. In summary, he explained that significant local flood events has occurred in 2007 and 2020. There had been no recent evidence provided of the marketing of the pub. It had not been adequately demonstrated that the pub was no longer required nor that it was no longer viable nor that there were appropriate alternative facilities local to the area.

Councillor Bruce Baker proposed and Councillor Dave Davis seconded a motion that the application be approved in accordance with the case officer's recommendation.

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

Councillor Matthew Engel proposed and Councillor Simeon Cole seconded a motion that the application be refused for the following reasons:

- insufficient evidence had been supplied with the application that the pub had been adequately marketed recently as an ongoing concern;
- the alternatives to the facility identified were not adequate which was contrary to core strategy policy SC1 and policy BLH6(a) of the Brimfield and Little Hereford neighbourhood development plan; and
- the loss of the pub would undermine the retention and development of accessible local services and community facilities which was contrary to paragraph 88(d) of the NPPF.

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

RESOLVED – that the application be refused for the following reasons:

- **insufficient evidence had been supplied with the application that the pub had been adequately marketed recently as an ongoing concern;**
- **the alternatives to the facility identified were not adequate which was contrary to core strategy policy SC1 and policy BLH6(a) of the Brimfield and Little Hereford neighbourhood development plan; and**
- **the loss of the pub would undermine the retention and development of accessible local services and community facilities which was contrary to paragraph 88(d) of the NPPF.**

68. APPENDIX - SCHEDULE OF UPDATES (PAGES 15 - 32)

The meeting ended at 2.05 pm

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 25 February 2026

10.00 am

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

Schedule of Updates

Public Speakers

Pages

3 - 16

17 - 18

PLANNING COMMITTEE

Date: 25 FEBRUARY 2026

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

252698 – CHANGE OF USE OF BUILDING TO STORAGE (USE CLASS B8) (RETROSPECTIVE) AT PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE

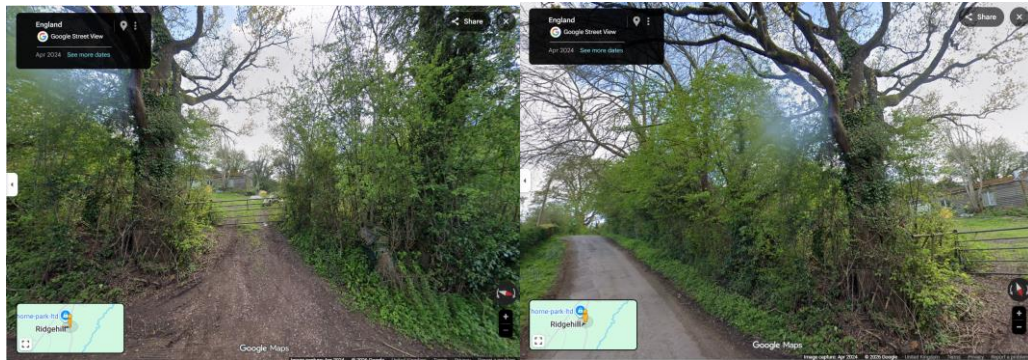
For: Mr & Mrs Shaw per Mr Tom McEwen, The Rough Farm, Garway Hill, Herefordshire, HR2 8HD

OFFICER COMMENTS

In response to a number of queries which were raised during the site inspection:

- Condition 8 of the recommendation states: *“No goods, plant, materials or machinery associated with the approved use of the building shall be deposited or stored outside the building or land within the application red line boundary at any time.”*
- Hardstanding can be installed under permitted development provided it uses porous/permeable materials (e.g., gravel, permeable concrete block, or porous asphalt) that allow water to drain naturally.
- As part of the site clearance that was undertaken during early 2025 which includes part of the site boundaries for this application, a Planning Enforcement officer visited the site to inspect what had been undertaken as part of wider alleged breaches which relate more to the wider site. They sought a second opinion from the Council’s Tree Officer who did not identify that the trees removed would benefit from a Tree Protection Order (TPO). The Council’s Ecologist, whom has been consulted on this particular planning application, has not raised concerns in terms of the Hedgerow Regulations. To assist, photographs taken by the Enforcement officer in April 2025 are provided below along with how the site was prior to works commencing in Streetview images from April 2024:





In terms of mitigation in lieu of the removal of vegetation undertaken, this can be secured by planting and, if needs be, a condition. Officers would emphasise and exercise some caution that this site is small scale and that the application is essentially a change of use only and thus conditions for additional landscaping should be carefully considered in terms of the tests of use of planning conditions.

Members may wish to be aware that there was previously a permitted development right that, subject to Prior Approval under Class P of the General Permitted Development Order (as amended), did allow for change of use from use class B8 (storage and distribution) to use class C3 (residential). However, any application under that prior approval Class P needed to have been granted on or before 10th June 2019 such that development would not be permitted under Class P if an application was made after this date. A link to the relevant legislation can be accessed here:

<https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/crossheading/class-p-storage-or-distribution-centre-to-dwellinghouses>

As stated in the officer report, the lawful baseline use of Ponderosa in planning terms is a stable block but there has been no update to Class P through statutory instruments since as far as officers are aware. Given the current status of the General Permitted Development Order (as amended), officers would view that Class P is essentially defunct though members should remember they are only to consider the application that is before them.

NO CHANGE TO RECOMMENDATION

251696 - PROPOSED DEMOLITION OF EXISTING CHURCH. ERECTION OF 52 BED CARE FACILITY ON THREE FLOORS WITH ANCILLARY AREAS AND PARKING AT ST BARNABAS CHURCH, ST BARNABAS CLOSE, HEREFORD, HEREFORDSHIRE, HR1 1DT

For: Mr Patient per Mr Michael Driver, The Old Grain Store, Sir Johns, Hengrave, Bury St. Edmunds, Suffolk, IP28 6NB

ADDITIONAL REPRESENTATIONS

There are two additional representations received:

- 1. See presentation from Simon Patient at Appendix 1**
- 2. Correspondence from Tim Phelps – in full below.**

In my short speaking time slot tomorrow, I will raise an issue alluded to, but not spelled out, by your case officers summary, and on this basis, I reckon the planning committee would almost certainly be in breach of their statutory duties under Core Strategy Policy SC1, if approval were to be given at present.

That SC1 Directive- referred to on pages 71 and 76, sections 6:51-53 and also referring to further para. 5.1.33 of Core Strategy document , obliges you to protect and retain existing social and community facilities except in very specific circumstances, and the proposals before you have completely failed to truthfully demonstrate that these conditions have been met.

Please additionally note: it is NOT acceptable within the terms of the Directive to substitute a nursing home extension in place of demolition and loss of sound community facilities, from which many more people benefit, and for which this Directive affords protection.

I will not be able to outline the many ways in which this proposal fails to align with the Directive's requirements in my short speaking time, and therefore I set them out below, so you have the information available with which to inform your decision making process.

The Policy wording of SC1- Social and Community Facilities, your notes page 76, states Existing facilities WILL be retained unless:

- 1) It can be demonstrated that appropriate alternative facilities are available, or can be provided;*

This has NOT been demonstrated; The largest group previously regularly using this building and site for meetings , several times a week , for groups of up to 100+, despite searching continuously over the last nearly 2 years, since having to leave, have found nowhere close to suitable or equivalent within the whole City of Hereford, of scale, condition and access. That search goes on; the demand is still there.

Hereford is short both of funds and available premises to provide alternative large size community buildings in sound condition.

2) It can be shown that the facility is no longer required, viable or fit for purpose

This has NOT been demonstrated; Yes , the Church of England no longer needs it, but its Church Commissioners and Local Agents have brazenly and deliberately withheld use from other eligible groups and obstructed other Christian groups from continuing to fulfill- possibly as fully as ever in its entire history- the founder and donor's vision that the building should be a centre in this part of town for christian worship and community use.

It is also worth noting in passing, that one of the 120+ robust objections sent to the Church Commissioners when they put forward proposals for closure and demolition, was by the well regarded local vicar of St.Pauls Tupsley, (now retired) who strongly supported the continuation of Oasis Church and other christian groups use of the premises as desirable and appropriate. Sadly the Church Commissioners were not listening, and were only intent on their predetermined course, whatever anyone else said.

The church / community building can be , with updating and maintenance,, and can continue to be ,a community asset fit for purpose, without cost to the council or ratepayers of the district; my understanding of the directive is that in such circumstances, the facility must be retained for community use- and nothing else overrides this statutory requirement.

3) Has been vacant- yes-, but for less than two years, and only because antagonistic policies of owners were intent on maximising profit at sale by demolishing the established building , and forcing out existing other church group users, so it could be marketed as a development site rather than honouring the statutory planning SC1 Directive, where the requirement is that such community assets must not be removed.

4) Has been marketed for community use without success; I understand a significant offer was made by the existing church group using the building, but this was rejected, because owners were intent on profit maximisation, on basis of higher open market price of a development site- although no such permission had been granted- and may not legally be able to be made- for demolition.

5)Finally- your officers report section 6:55; Tensions (of policy directives) are noted.

BUT I contest, the following statement then made:

'But the likelihood of the site being used for its original intended purpose (ie as a centre for christian worship and community use) is negligible'

- for all the reasons outlined above.

As said, I reckon it to be your statutory duty to retain these premises for continued church and community use, as required in the SC1 directive, unless suitable equivalent building, in size and decent condition and access can be provided within the City for continuing and future church and community use.

Possibly the only other way this directive could be complied with, allowing, with regret , this decent local landmark and building and vision to be erased, would be for the developer to be obliged, before demolition can be approved, to provide the council with the full sum, probably of between £500k-£700k, of the open market value of the community asset to be lost,- based on valuation with existing community use permissions- as a ring marked sum

strictly only to build/ upgrade or refurbish an alternative large building within the city available for larger church and community groups for the future.

Please stand up for the whole local community and fulfill your statutory obligations by insisting on the correct full implementation of the spirit and letter of the SC1 Directive, and ensure that deep pocketed developers cannot simply roll you over and rob the community of a valued church and community asset; either insist it is protected and retained , or if not, ensure the community is fully reimbursed, ahead of development, so the council can provide suitable replacement equivalent public premises, funded by the developer.

NO CHANGE TO RECOMMENDATION

251998 - PROPOSED CONSTRUCTION OF SEVEN HOUSES AND ASSOCIATED LANDSCAPING AT LAND AT REAR OF MORTIMER COURT, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NQ

For: Mr Yarnold, Bannals Lane, Stoke Bliss, Tenbury Wells, WR15 8RZ

During the Committee Site Visit, a query was raised re the bedroom numbers of the proposed dwellings.

For the avoidance of doubt and to clarify the contradiction between paragraphs 2.1 (incorrect) and 7.26 (correct), it is confirmed that proposal includes 5no. 2-bedroom dwellings and 2no. 3-bedroom dwellings.

NO CHANGE TO RECOMMENDATION

252059 - PROPOSED CHANGE OF USE OF PUBLIC HOUSE TO A SINGLE DWELLINGHOUSE WITH NEW PORCH, PARTIAL DEMOLITIONS AND ASSOCIATED EXTERNAL WORKS AT TEMESIDE INN, LITTLE HEREFORD, LUDLOW, SY8 4AT

For: Mr Leonard per Mr DF Baume, 8 Peak View, Bollington, Cheshire, SK10 5GJ

CORRESPONDENCE RECEIVED FOLLOWING PUBLICATION OF AGENDA / REPORT.

Members of the Planning and Regulatory Committee received email correspondence dated 23 February 2026 making further comments in respect of the application, and the contents of the Committee Report.

It is copied below in full.

Dear Councillor,

I am writing to you on behalf of CAMRA (the Campaign for Real Ale) on the matter of a planning application appertaining to the Temeside Inn at Little Hereford, that is due to be determined by the Planning & Regulatory Committee on Wednesday 25th February. It is quite unprecedented for CAMRA to deem it necessary to write to the members of a council

Schedule of Committee Updates

planning committee, but there are grave concerns that the recommendation by the planning case officer to approve the application to convert the Temeside Inn into a dwelling would result in the unnecessary loss of the pub. I would be very grateful if you would indulge me and read the following. Please note that this letter is also copied to the planning officer, Mr Ollie Jones, as a matter of courtesy.

The officer's report (that supports the recommendation) concedes that alternative provision (i.e. other pubs) are not within walking distance of Little Hereford. Furthermore, he also acknowledges that there has not been any recent effort made to market the premises for sale as a pub business. CAMRA asserts that there would be interest in acquiring the pub if it were to be offered for sale at a realistic price. There are strong reasons to support this position:

- Attached to this e-mail is a statement made by a previous operator of the Temeside Inn. The fact that she ran a successful business there for ~2 years needs to be noted. (this document is cut and pasted from the planning file)
- Due to a history of flooding, the applicant states that he has not been able to obtain insurance to cover the pub premises. However, there are numerous other pubs across the county that have recently been inundated by flood water, including the Dog Inn and Temple Bar in Ewyas Harold and the Bridge Inn at Michealchurch Escley. Whilst it will have been traumatic for the pub-owners at the time, the fact that all these venues promptly re-opened and are successfully trading again demonstrates that it is possible to own and/or operate a viable business in a flood-prone pub.
- Besides the loss of the last commercial social amenity, what also needs to also be considered is the economic impact that would be felt should the Temeside Inn be converted into a house. It offers employment in a rural area; provides demand for goods and services in the supply chain, and as a destination pub it adds to the tourist, day-tripper and the dining offer for Herefordshire.
- A number of Herefordshire pubs that had been closed for periods all longer than the Temeside Inn have recently re-opened. These include the Lamb Inn at Stoke Prior; the Kings Head at Docklow, and the Riverside Inn at Ross. Earlier this month the Cliffe Arms at Mathon was purchased and is now slated for refurbishment ahead of re-opening later this year. Between them these four pubs were closed for a total of over 48 years. It was only the action of Herefordshire Council declining change of use planning applications at various times for all of these pubs that ultimately brought them back onto the pub property market. Without those positive planning interventions all these pubs would have been lost forever. Under new ownership, they are now thriving and serving their local communities once more. Surely, the Temeside Inn now deserves its chance?

For these reasons, it is CAMRA's strongly held view that there is great merit in seeking to see the Temeside Inn marketed for sale as a pub. Whilst there exists a likelihood that long term social and economic harm to the community of Little Hereford can be avoided, this should be considered. However, this outcome can only be achieved if this application is resisted.

Thank you for taking the time to read this letter.

Best regards,

Mark Haslam

On behalf of HEREFORDSHIRE CAMRA

A further letter from **Abbigael Court, 48 Honddu Court, Hereford** has also been received and is copied in full below:

Temeside Inn, Little Hereford

I have been informed that a planning application has been put in to convert the Temeside Inn into a house. Having run this pub from February 2015 to March 2017 I would like to share my experiences of running the business there. Firstly, it needs to be made clear that I ran a successful and profitable business at the pub for the whole time I was there as the leaseholder. It was always very well supported, not just by locals but by visitors too. It helps a lot that it is on a main road, and it's riverside setting made sure it was very busy on fine days in the summer. Also, the hosting of events including private parties by the likes of the local Young Farmers, Weddings, Shoot Dinners, Christmas meals for local business' made for a strong trade across the whole year. We also had 2 pool teams, the Tenbury men's and woman's tug of war team, the local choir, WI, would all use us as a base bringing in lots of trade on quieter days and winter. The locals were so supportive of the pub even after being closed for some time before I reopened. It also got regular trade from the nearby caravan site at Westbrook, the site doesn't have its own clubhouse, so the pub is a major attraction for their visitors. I can't see how the Temeside could suddenly become unprofitable. I think if it were to re-open that there is no reason why it shouldn't do a good trade once more. The things that made it successful have not gone away. Should you require evidence of my successful business at the Temeside Inn, then I would be happy to provide copies of my books for the time I was there.

OFFICER COMMENTS

The correspondence from CAMRA reiterates matters previously raised during the consultation and their representation at that stage, including arguments relating to the continued viability of the public house, the absence of recent marketing, flood risk and insurance considerations, and the social and economic value of the facility. These matters have been fully summarised and addressed in the published Committee Report, particularly within the assessment against Core Strategy Policy SC1 and Policy BLH6 of the Brimfield and Little Hereford NDP.

The officer recommendation does not rely on a conclusion that the public house is no longer viable or required, but instead is based on the alternative-provision limb of the relevant development plan policies. The correspondence does not raise any new material planning considerations and does not alter the officer's assessment or recommendation.

NO CHANGE TO RECOMMENDATION



Heritage Manor – St Barnabas site 25 February 2026

Presentation of plans

Who are Heritage Manor?



- Small group of five nursing homes operating in Herefordshire and Worcestershire for over 30 years;
- Employ over 300 staff, and proud to say runner-up at 2025 Care Employer of the Year for Great British Care Awards;
- Owner of Newstead House in Hereford since 2016, adjacent to the proposed development;
- Newstead won Top 20 home in Midlands three times in last five years, along with Gold Standard Framework for palliative care
- Our homes have a very good reputation with Herefordshire council quality teams, and I believe CQC;
- We are looking to build and then operate ourselves the St Barnabas site for many years to come.



MISSION STATEMENT

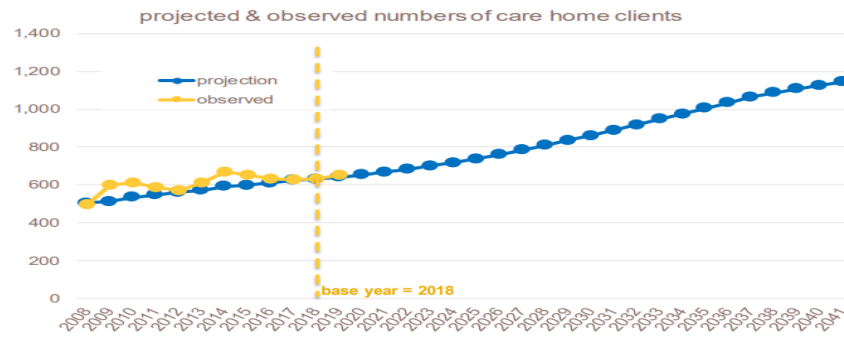
To provide warm and friendly care within a homely environment, delivered by well-trained and motivated staff, to enable residents to live their best lives.



Is Newstead House meeting that mission?



- We are fully staffed, unlike the majority of Herefordshire homes;
- Our challenge now is that not all rooms are en-suite, the home is not purpose-built and access outside can be problematic for certain residents;
- To continue to “enable residents to live their best lives”, we need larger and modern rooms, easy-to-use communal space, better access outside and living space designed for couples;
- Without the ability to adapt, older homes will have to close;
- 2025 H&W ICB figures predict a 50% increase in the over 85 demography to 2030, the key segment that we look after, and HCC figures confirm this. There is a pressing need.



Source: Herefordshire MPS Apr21

Review: My Father was part of the Newstead family, from June 2024, until he passed away in November 2025. We were always welcomed when we visited and, as we live in Yorkshire, we were always kept updated on Dads health. Dad, wasn't one to always join in with the activities, but was always given the option to take part if he wished to. Many of the staff and management, at Newstead, have become friends and their care and compassion for Dad throughout his time there, always made us feel he was safe and secure, when we couldn't be there at all times.

The way they cared for Dad, especially, in the last few days of his life was exceptional, as is the support that we have received, since he passed. Thank you all so much.

Overall Experience ★★★★★	Facilities ★★★★★	Care / Support ★★★★★	Cleanliness ★★★★★
Treated with Dignity ★★★★★	Food & Drink ★★★★★	Staff ★★★★★	Activities ★★★★★
Management ★★★★★	Safety / Security ★★★★★	Rooms ★★★★★	Value for Money ★★★★★

Review: Our Mum lived at Newstead for 4 years and over that time her health condition meant she gradually became more frail until, sadly, she passed away in September 2025. During that time Mum's changing needs were well catered for-even when her involvement in group activities lessened the Activities team would spend time with Mum on a 1:1 basis. The carers were very good and supported Mum with her daily needs and established and maintained a good rapport with Mum and the family. The care Mum received in her final days was exceptional and much appreciated by my sisters and myself. Thank you to all the staff at Newstead.

Overall Experience ★★★★★	Facilities ★★★★★	Care / Support ★★★★★	Cleanliness ★★★★★
Treated with Dignity ★★★★★	Food & Drink ★★★★★	Staff ★★★★★	Activities ★★★★★
Management ★★★★★	Safety / Security ★★★★★	Rooms ★★★★★	Value for Money ★★★★★

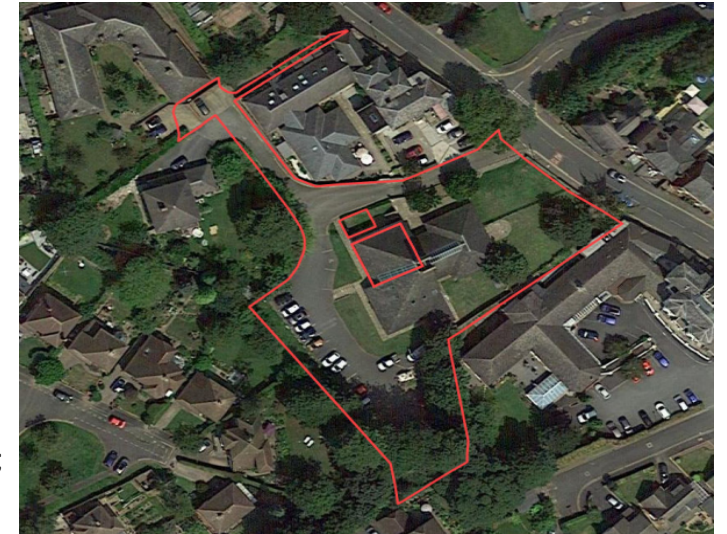
Review: Mum lived at Newstead for over three years before she passed away in July 2025. She was very well cared for throughout the whole time she was there but the care she received at the end of her life was exceptional and she was treated with great dignity and respect. Our family were always welcomed at the home and my father in particular became part of the Newstead family. He visited every day and was encouraged to join in with the activities with Mum and then as an individual when Mum was no longer able to join in (but would sit and watch). In fact he still goes to the home several times a week to join in his favourite activities and is always welcomed as an old friend. It is incredibly, incredibly rare for any bank staff to be on shift and I am sure that this contributes to staff creating a family atmosphere. All staff are friendly and kind - the manager, nursing staff, health care assistants, cleaners and kitchen staff equally and they greet you when you arrive. A really lovely home.

Overall Experience ★★★★★	Facilities ★★★★★	Care / Support ★★★★★	Cleanliness ★★★★★
Treated with Dignity ★★★★★	Food & Drink ★★★★★	Staff ★★★★★	Activities ★★★★★
Management ★★★★★	Safety / Security ★★★★★	Rooms ★★★★★	Value for Money ★★★★★

Journey to today



- Without significant capital investment, the longer term viability of the existing home will become progressively more difficult. An approval will allow us to re-configure the existing home;
- We have spent two years working with Heather Carlisle and her team, going through three pre-apps to produce a design appropriate to the site;
 - Pulled building back from road and neighbours, along with significant reductions in height and mass;
 - Incorporated feedback historic buildings officer and council architect on design;
 - Worked with Councillor Ben Proctor and consulted with Admiral's Close neighbours;
 - Fundamental to the design is access to the outside and fresh air.
- Final design commercially not ideal at 52 beds compared to modern care home builds, but it works complementary to the existing home.
- There will not be a physical link between the two buildings, and we will be offering nursing provision;



PLANNING and REGULATORY COMMITTEE

25 February 2026

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr & Mrs Shaw per Mr Tom McEwan	Change of use of building to storage (Use Class B8) (retrospective) at PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE	252698	25
OBJECTOR		MR WHURR (Local Resident)		
7	Mr Patient per Mr Michael Driver	Proposed demolition of existing Church. Erection of 52 Bed care facility on three floors with ancillary areas and parking at ST BARNABAS CHURCH, ST BARNABAS CLOSE, HEREFORD, HEREFORDSHIRE, HR1 1DT	251696	43
OBJECTOR		MR PHELPS & MR WOOD (Local Residents)		
SUPPORTER		MR PATIENT (Applicant)		
8	Mr Yarnold per Mr Mark Yarnold	Proposed construction of seven houses and associated landscaping at LAND AT REAR OF MORTIMER COURT, BRIMFIELD, HEREFORDSHIRE, SY8 4NQ	251998	103
PARISH COUNCIL		MR HARRIS (Brimfield and Little Hereford Group Parish Council)		
OBJECTOR		MR NORRIS (Local resident)		
SUPPORTER		MR YARNOLD (Applicant)		
9	Mr Leonard per Mr DF Baume	Proposed change of use of public house to a single dwellinghouse with new porch, partial demolitions and associated external works at TEMESIDE INN, LITTLE HEREFORD, LUDLOW, HEREFORDSHIRE, SY8 4AT	252059	129
PARISH COUNCIL		MR HARRIS (Brimfield and Little Hereford Group Parish Council)		
OBJECTOR		MR COMLEY (Local resident)		
SUPPORTER		MR LEONARD (Applicant)		

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 18 March 2026 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

Officers: Democratic Services Officer, Development Manager Majors Team and Senior Lawyer and Senior Planning Officer

Due to technical difficulties the meeting had a delayed start and the meeting was unable to be recorded or live streamed.

69. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Matthew Engel and Charlotte Taylor.

70. NAMED SUBSTITUTES (IF ANY)

Councillor Pauline Crockett acted as a substitute for Councillor Charlotte Taylor.

Councillor Dianna Toynbee was present as a substitute for Councillor Matthew Engell but had to leave the meeting before it could formally commence.

71. DECLARATIONS OF INTEREST

There were no declarations of interest.

72. MINUTES

A matter of accuracy was raised that needed further officers' consideration; therefore, the minutes were deferred to the next meeting of the Planning Committee on 8 April.

73. 243167 - LAND TO THE REAR OF BOYCOTT ROAD, ROSS ROAD, HEREFORD, HR2 7RL

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Manwaring as the Local Resident spoke in objection to the application. Mrs Shannon the applicant spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained he had redirected this application to committee due to the level of public comment. He was not against allotments or improving the site, but objects to the proposal as currently designed, particularly the loss/change of open space. Concerns were raised around traffic safety and access arrangements being unclear and unsafe. Attention was drawn to the lack of fencing separating the access from paths/areas used by children with a warning that vehicles reversing and limited visibility could create a serious risk to children, referencing a council motion about being "child friendly" and embedding children/young people's wellbeing in decisions. He queried how the plan proposed "drop-off only" and "no parking" and asked how this would be enforced highlighting the lack of nearby public parking and the prediction of rule breaking. He highlighted an online petition "Save Redhill Green, treasured Hereford Play Area" which held 750+ signatures and argued that this showed a strong local desire to retain meaningful public open space. He challenged what counted as "avoiding peak times," as the A49 is busy most of the time and deliveries could conflict with the CDC operating hours and questioned how large vehicles/heavy equipment could access the site given the narrow lane and parked cars.

The committee debated the application. The following principal points were raised;

- Multiple members raised concerns with site access and safety, specifically around vehicles reversing onto the A49, lack of safe stopping/parking, and the general hazard of the location, especially given nearby uses.
- Members debated whether the proposal could lead to significant vehicle movements, especially during setup or seasonal peaks, versus the view that allotment traffic is usually low and local.
- The impact the plan could have and worsen the already difficult parking at the Child Development Centre and interfere with its operation was raised.
- The loss of usable open space, particularly for children and families, and discomfort with fencing off land that currently reads as open space.
- The proposed public/open area was described as too small and unwelcoming, potentially "designed to exclude children."
 - The Development Management Service Manager reminded the committee that there was an existing lawful use certificate allowing allotments and access via the track, meaning refusal would not stop use and that traffic could continue on the muddy track without the proposed improvements/controls. The decision needed to focus on access and ancillary works (e.g., surfacing/turning area), not re-opening the principle of allotment use.
- Members explored adding a condition requiring details/approval of any fencing, partly to address safety/parking boundary concerns and prevent unplanned enclosure impacts.

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

A motion to approve (officer recommendation) with a condition with regards to fencing was proposed by Councillor Bruce Baker and seconded by Councillor Dave Davis. The vote was carried with a majority.

RESOLVED:

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

That planning permission be granted subject to the following conditions:

1. Time Limit for Commencement

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with approved plans

The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:

- Location Plan rev. A 05/06/2025
- 2501_001 rev (B)

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

Pre-Commencement Conditions

3. Construction Traffic Management Plan

Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

- a) Details of deliveries to site including times (to avoid the peak hours) and types of vehicles.
- b) Details of the equipment that will be used and location of the equipment and vehicles. To ensure that all plant, equipment and vehicles are accommodated within the site, with no parking, materials storage or loading/unloading taking place within the A49 Highway verge or direct accesses.
- c) Clear and detailed measures to prevent debris, mud, detritus and dust being distributed onto the Local highway and SRN. This should include details of wheel washing and dust monitoring.
- d) Waste management.
- e) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

4. Open Space details

With the exception of any site clearance and groundwork no further development shall commence until detailed plans for the provision for open space shall be set out in accordance with the standards adopted by the local planning authority and

shall be submitted to and approved in writing by the local planning authority. These details should include:

- a) Surfacing,
- b) Landscaping,
- c) Means of enclosure,
- d) Street furniture.

The open space shall be constructed in accordance with the approved plans and retained in perpetuity thereafter.

Reason: In order to comply with policies OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Pre-Occupancy Conditions

5. Management and Maintenance Details

Before the development is first brought into use a schedule of management and maintenance of the open space shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: In order to comply with policies OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

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

74. 253584 - THE OLD HOUSE, HIGH TOWN, HEREFORD, HEREFORDSHIRE, HR1 2AA

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Milln spoke on behalf of Hereford City Council and Mr Peel the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application noting that from the reports that the work needed to be done and that the building was iconic and it was positive to see that it was being handled sensitively.

The committee were in agreement with the conditions suggested by the Hereford City Council with regards to the installation of a cowl to protect the flu from rain and details around the brackets used to fix the flu to be reserved for officers.

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

Councillor Stef Simmons proposed and councillor Bruce Baker seconded a motion that the application be approved in accordance with the case officer's recommendation with conditions around the installation of a cowl and details around the brackets/ fixings to be reserved for the conservation officers.

The motion was put to the vote and was carried unanimously.

RESOLVED

That Listed Building Consent be granted subject to the following conditions, the additional condition as outlined above and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **Standard Historic Building Conditions**
2. **The works shall be carried out strictly in accordance with the approved plans and supporting documents, except where otherwise stipulated by conditions below.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **Unless otherwise agreed in writing with the Local Planning Authority, the new external flue shall be coloured black.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP2 – Application approved following amendment**
2. **I69 - LBC**
3. **I66 – Extent of Permission Listed Building Consent**

75. APPENDIX - SCHEDULE OF UPDATES (PAGES 7 - 48)

The meeting ended at 11.26 am

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 18 March 2026

10.00 am

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

Schedule of updates

Public speakers

Pages

3 - 40

41 - 42

PLANNING COMMITTEE

Date: 18 March 2026

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

243167 - PROPOSED IMPROVEMENTS TO EXISTING ACCESS ARRANGEMENTS TO FACILITATE THE LAWFUL USE OF LAND AS ALLOTMENTS AND ANCILLARY WORKS TO INCLUDE SIGNS, SHEDS AND A COMPOSTABLE TOILET AT LAND TO THE REAR OF BOYCOTT ROAD, ROSS ROAD, HEREFORD, HR2 7RL

ADDITIONAL REPRESENTATIONS

Following completion of the officer report for this agenda item, three additional representations have been received, two giving support to the application and one objecting to the application. Four further representations have been received from objectors, and another two objections have been withdrawn. All these representations can be found in full below and on the relevant application webpage.

New representation from Mrs E. Morris:

I would like to put forward my support for allotments to the rear of Boycott Road Hereford. I have lived at 9 Poole Close for nearly 30 years and can confirm that this land has not been used for nearly 15 years. A large proportion of my garden backs on to this land, we have suffered with vandalism, graffiti sprayed on my fence, bottles thrown over into my garden, teenagers climbing on to my shed, which now as a pensioner and living on my own is a growing concern.

Needles and broken bottles, tents and dogs have all littered this area. The play equipment was removed about 7 years ago, but even this did not deter the antisocial behaviour. When I reported the incidents to the police which they referred to as the 'Dark Park' as it is located up a narrow and hidden track. This does not make it a safe area for young children to play in.

There are many alternatives such as the Bishops Meadows and King George playing fields and a lovely play area at Oak Crescent, both a 5 minute walk away. Also the walkway to the rear of the Child Development Centre from Southgate Court to this land has been fenced off due to vandalism to properties and the residents from No7 and No8 Poole Close pay Hereford City Council rent to maintain it.

New representation from Mr M Robinson:

My wife and I have a plot at the site, which has allowed us to give up two plots we previously rented at the HALGS Holmer Road site. Taking a plot at the Ross Road site means my wife and I no longer drive from our house in Ross Road across the city to the Holmer Road site (which we did at least 4 or 5 times a week most weeks). My wife and I now walk to the new site and rarely need to use our car. I understood that reducing car journeys and increasing the amount of walking are two policy aspirations of Herefordshire Council - having a site south of the River Wye (where HALGS only has two sites at present) assists these aspirations to be met. I know other plot holders walk to the site as well. The limited works for which permission is sought will facilitate the operation of the site at Ross Road.

I would also like to offer some observations, having reviewed the Herefordshire Council website for this application - and although I believe the question of lawful use has been settled by the Certificate of Lawfulness a number of my observations do relate to the question of lawful use. I would also draw attention to my comments at point 10 below regarding Hereford City Council;

1 The application site is referred to by objectors as Redhill Green - but it is not. Herefordshire Council maps and plans refer to the area as Blackmarstone; there does not seem to be a Redhill Green designated on any of these maps /plans. The application site does not appear on the Register of Common Land and Village Greens maintained by Herefordshire Council; nor has the application site been designated under the Herefordshire Local Plan as a Local Green Space.

2 The application site is said by objectors to be "publicly accessible open space " - it is not ; the application site was transferred to Herefordshire Housing Limited out of the ownership of Herefordshire Council by the LSVT in 2001/2002 and therefore stopped being publicly owned from that date and accessible by the public as a matter of right ; unless the LSVT documents imposed an obligation on Herefordshire Housing to maintain the application site as publicly accessible open space (whether as a play area, or for some other public purpose) or such an obligation was subsequently assumed to Herefordshire Council by Herefordshire Housing or its successor in title Connexus Homes Limited , then the application site is and remains privately owned land to which the public has no right of access or use and there is no obligation to provide or maintain the site for any particular use or purpose. A further pointer to this being so is that after 2018 Connexus Homes Limited sold off part of what was previously transferred under the LSVT to an adjoining homeowner without needing the consent of Herefordshire Council (this sale is a matter of record at H M Land Registry).

3 Use of the application site as allotments has been established as lawful by the Certificate of Lawfulness issued by Herefordshire Council ; that certificate is now unimpeachable and Section 192 (4) of the Town and Country Planning Act 1990 applies .Further, none of the objectors appear to refer to any case law or specific sections of legislation to support their argument that nevertheless an application for change of use is required and / or that the planning policies identified are engaged by the application for permission to carry out works.

4 It appears to be common ground between the applicant and the objectors that the play equipment was removed from the application site, during 2018 i.e. not just ceased to be maintained, but removed completely. I have lived on Ross Road since August 2016.I do not remember any campaign by any local groups (including the Friends of Redhill) for the owner (Herefordshire Housing / Connexus Homes) or Herefordshire Council to reinstate or re provide play equipment at the application site and maintain the site as a play area (or indeed maintain it for any other public purpose) eg public meetings, newspaper coverage, leafleting ,door to door canvassing ,petition, proposals for funding and maintenance etc .The evidence from Connexus Homes is that, instead, it received complaints about anti-social behaviour at the site . It is notable that the Friends of Redhill Green did not object to the applicant's previous application for full permission (ref P/231150/F).

5 I see on the web page for the application that the school adjoining the application site (Our Lady's) and the nearby Aconbury Centre both support use of the application site for allotments .Equally significant is the fact that there are no objections (either to the use of the application site as allotments nor to the present application for permission to carry out works) from the nearby Hinton Community Centre /St Martin's School /St Martin's Church (nor from any groups /organisations based in these buildings) nor from sports teams, youth clubs or youth groups, parents and toddlers groups , cubs /scouts / guides / brownies etc , nor from any other sort of community groups. The absence of objection from such groups and organisations points to the conclusion the local community does not use the application site at all or in the manner various of the objectors assert ie as a play or recreation area (ignoring

for the moment that there is in any event no right for the public to enter and use the application site for any purpose - see point 2 above).

6 Only 3 of the lay objections come from addresses within the HR2 7 postcode area - being the designated postcode area for the application site .Otherwise the objections come from addresses as far afield as Eaton Bishop, Llanwarne, Tarrington , Shucknall Hill , Upton Bishop , Peterchurch and elsewhere in the County or from areas within Hereford City which are outside the HR2 7 postcode designation ; few demonstrate a connection to the site ; there is a dearth of evidence in support of assertions the application site is a play area or publicly accessible open space / green space . The lay objections do not address the impact of the Certificate of Lawfulness.

7 Not only did the Friends of Redhill Green not object to the previous application for full permission but it appears only to have come into existence in Spring 2025 ; further, it is not possible to verify the nature of the organisation eg Registered Charity, Limited Company, Community Interest Company etc, nor its membership .The location of its membership is not disclosed but given my comments at 6 and the fact its spokesperson lives in Upton Bishop, it is unlikely to be a "local residents group " and so no weight should be given to their objections .

8 No weight should be given to the petition submitted by the Friends; as it is in electronic format it is not possible to verify the address of each signatory, nor their connection to the site nor the nature of their objection (so that it could be assessed by the LPA and replied to by the applicant, if thought appropriate).

9 The objection from Dr Arun at the Child Development Centre fails to address the effect of the Certificate of Lawfulness and appears to assume there is a right for the public /parents /children attending the Child Development Centre to enter and use the application site in the manner Dr Arun suggests happens or should happen. The letter also fails to demonstrate any agreement with Connexus Homes Limited permitting access and use in the manner suggested (or previously with Herefordshire Housing). The letter is not accompanied by any evidence (I have been visiting the application site four or five times a week (at least) since mid-November 2025 not only to set up and work our plot but also to check the site - the security fencing has been breached at least 5 times since it was put up and I have had to install measures to strengthen it; during my time on site I have never seen parents & children coming up the access lane with a view to entering the application site). Finally, the letter cannot be said to be an objection - whether to the works proposed or to use of the application site as allotments from those organisations within Herefordshire with the legal power and responsibility to commission the provision of Children's services (whether by way of SEND provision or otherwise). Such an objection would be expected were there an agreement for the Child Development Centre to use the site in the manner to which Dr Arun alludes or an established use by the Child Development Centre in that manner.

10 No weight can be given to the recommendation by Hereford City Council arising out of its meeting on 15th January 2026.The Planning Committee of Hereford City Council had already considered the current application at its meeting on 13th March 2025 when the note from that meeting records the Committee had " no objection in principle " to the application (as it then stood) and further recognised there was an established lawful use of the land (ie the application site) as allotments .The recommendation from this meeting was considered by the City Council Planning Committee at its meeting on 10th April 2025 when the minute was approved (as correct and accurate) and authorised to be forwarded to Herefordshire Council. The City Council has been unable to confirm if and when the 13th March 2025 recommendation was communicated to Herefordshire Council, but it is not among the list of representations relating to this application appearing on the planning website for this application. Having come to its recommendation on 13th March 2025 the City Council Planning Committee was "functus officio " the present application as it stood at 13th March 2025 and was not, as a matter of law , entitled to change its recommendation. I attended the meeting of the City Council Planning Committee on 15th January 2026 , as an observer and

there were a number of irregularities in its proceedings, which affects the recommendation noted as made - firstly, without a resolution before it authorising it to do so, and without taking legal advice on whether it had the power to do so, the Planning Committee proceeded to reconsider the present application afresh, rather than confine itself to the matters arising from the amended plans ; secondly, neither the officer in attendance nor the Councillor present who the minutes recorded had also attended the 15th March 2025 meeting reminded the Committee of its previous recommendation; thirdly, again without taking legal advice first , the Committee accepted a submission from a member of the public present about the effect in law of the Certificate of Lawfulness; fourthly, the Committee considered (as the note shows) matters relating to highways and access but these did not arise from the amended plans and the Committee did not take into account the comments received from National Highways and the Local Area Highway Engineer; fifthly, the Committee did not consider (as is evident from the note) the amended plans; finally, two of the Councillors part way through the meeting revealed they hold allotment plots (one being with HALGS), which of course would give rise to a conflict of interest such that both Councillors should have withdrawn from the meeting at its outset and not participated further, meaning the meeting would have been inquorate and not able to proceed to deal with the application. As a result of these various irregularities I have been in communication with the Mayor and the Town Clerk and I also attended the meeting of the Planning Committee on 12th February at which I made representations to the Committee about the above points. As a result the Planning Committee agreed to take legal advice about its ability , as a matter of law , to proceed on the 15th January 2026 in the manner it did and the steps it should take to resolve the situation that currently prevails - namely the existence of two apparently conflicting decisions about the current application and the failure of the Committee to consider and come to a recommendation on the amended plans (and matters arising from those plans).

I trust the above points can be taken into account in considering the current application P 243167/ F

New representation from Mr S. Vaughan:

I've just read the officer's report for the above planning application that goes to committee on March 18th. I am very disappointed to the total lack of acknowledgement that I have 3 access points onto the lane and for information, any new signage does not apply to me. Having vehicles use the lane to access the allotments is going to be an absolute safety nightmare.

I am not against the allotment use or the provision of sheds and a composting w.c, but I am objecting to the intensification of the lane purely on safety grounds. The e-mail I sent to the case officer for the withdrawn application has not been taken into account of. My concerns, all on safety grounds, and outlaid to you when we met are:

In no particular order.

1. Use of the sliding gate & reversing back down the lane on to the A49. The proposed give way signs to vehicles coming up the lane do not apply to me. Upon me leaving 'the patch' (the bit of land I purchased from Herefordshire Housing), the approaching vehicles will have to reverse back down the lane onto the horrendously busy A49. If there are two lanes of stationary traffic, where is that vehicle going to go, so I can patiently wait to be let out? I have every chance of being made late for meetings and appointments. What happens if there are already too many vehicles in the turning area when there is an approaching vehicle coming up the lane? What happens if at the same time, I am leaving 'the patch'? A similar issue is present for my front drive access. What about public users of the footpath that crosses the access?
2. Other members of the family returning from work/ shopping/ social events. This could be in addition to the above. They would be holding up the south bound traffic (heading to Ross on Wye) while any reversing vehicle tries to join the A49. This is at

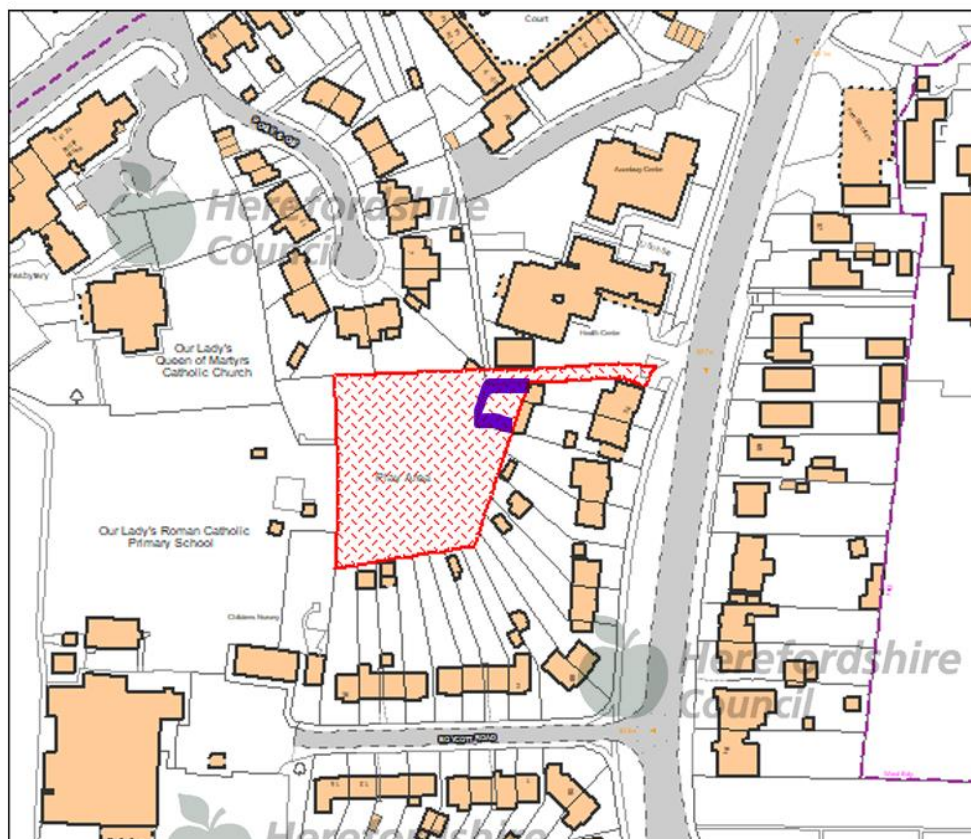
the same time that vehicles could be trying to enter or leave the Child Development Centre. Pure chaos.

3. My pedestrian access gate. I can't see through the gate, so don't know if there are vehicles on the lane. I wear earbud headphones while walking my dog. I could quite easily and unknowingly open the gate onto a car, or a car could run into the gate, thus slamming the gate into me or my dog, or my dog could be first through the gate and end up in front of a vehicle travelling either up or down the lane. Dangerous and potentially fatal.
4. There are huge safety issues for the child development centre when their patients (parents with children) are using the lane. I've seen on many occasions when a vehicle in the CDC car park reverses so their boot is overhanging the lane. The parents then begin to unload/load pushchairs from the boot, often while allowing the child to stand on the lane (they are not always standing still but often running around like children do).

It's utter chaos sometimes at the junction of the lane & CDC with the A49 trunk road. Visitors to the CDC often park on the verge, blocking the visibility to the south when leaving the car park. We often struggle to reverse park on our drive due to vehicles parking on the space adjacent to the A49. We cannot drive onto our driveway, we have to reverse. If we drove onto the driveway, we couldn't easily reverse off to head north into the city and we would cause chaos when trying to.

I have attached a copy of an e-mail I first wrote for the original allotments application that was withdrawn. I can't track down the original e-mail, so I don't know what has been redacted.

Also, this map that is in the report is incorrect because it includes the small piece of land and is labelled Play Area. I actually have a change of use planning approval which means the small area is domestic curtilage - highlighted purple.



Further representation from Miss L. Michael:

*Proposed Permanent Loss of Play Area next to The Child Development Centre, HR2 7RL
Planning Application: 234167*

Dear Councillors,

We wish to communicate that the approval of this planning application would constitute the permanent loss of a long standing Play Area and Open Space.

The proposal seeks to remove a longstanding public play space and convert it into private allotments, without any replacement or mitigation. This is inconsistent with national planning policy, results in the loss of vital community infrastructure, and fails to consider the impact on children and families.

The Play Area is immediately adjacent to four educational settings, including settings which offer provision for children with SEND and vulnerable children.

It is in an area of Hereford underprovided for, both in terms of Play Provision and Open Space, as detailed in Herefordshire Council's 'Open Spaces Assessment 2023', and specifically in relation to this application, by Herefordshire Council's Open Spaces Planning Officer.

The planning application does not accord with both local and national policies. In particular paragraph 104 of the National Planning Policy Framework (NPPF) and Herefordshire Core Strategy Policy Open Space 3 (OS 3) relating to loss of Open Space.

It does not accord with Green Infrastructure Standards.

A Child Friendly Herefordshire

Much has been said in recent months about Herefordshire Council's commitment to becoming a 'Child Friendly Herefordshire' and on Friday 6th March 2026 Herefordshire Council's 'Child Friendly Herefordshire's Partnership Strategy' was launched.

[Partners unite to support launch of Child Friendly Herefordshire - Herefordshire Council](#)

Tina Russell also spoke at the launch event:

"Child Friendly Herefordshire means approaching all we do in a child centred way, seeking out the views of children and young people, listening to them, and making plans and decisions that help keep them happy, healthy and safe, now and in the future."

Cllr Ivan Powell, Cabinet Member for Children and Young People, added:

"The launch of Child Friendly Herefordshire is a significant step forward in our shared commitment to giving every child the best possible start in life. Together, we are creating a county where every child feels safe, heard and supported."

In the Partnership Vision for Children and Young People, attached, the vision aims for children to have access to:

".. good quality play facilities play facilities that enable them to thrive in their physical, emotional, intellectual and social development as they grow up to be young adults"

In relation to this planning application:

- the voices of children have not been heard about a decision which impacts upon their health and wellbeing into the future.*
- It would remove a vital community play provision next to Hereford's Child Development Centre and next to Early Years Provisions.*

In relation to this theme, attached are Play England's Objection to this application and concerns voiced by Dr Arun (Clinical Lead for Community Paediatrics) about the loss of Play Provision next to The Child Development Centre.

The Play Area is immediate proximity to four different educational settings:

- *The Child Development Centre,*
- *Our Ladies Catholic Primary School,*
- *The Aconbury Centre*
- *St. Martins Primary School.*

Some of these settings offer specific provision for both children with SEND and for vulnerable children.

Play is essential for happy, healthy, capable and resilient children.

Could Councillors consider the question:

Does this approving this application support a Child Friendly Herefordshire?

Petition

Friends of Redhill Green Play Area have an online petition that calls for protection of Play Provision at this location.

The petition calls for multi-functional use of the site, and a model that could incorporate allotments but importantly protects a significant area for the vital activity of Play, areas for biodiversity and for the accessible areas for the wider local community.

The petition has reached over 750 signatures:

Petition link: [Petition · Save Redhill Green, treasured Hereford Play Area - Hereford, United Kingdom · Change.org](#)

Friends of Redhill Green Play Area recognise and value the many benefits that allotments can bring, including well-being benefits, health benefits and environmental benefits among others, they are not 'allotment objectors' – they are opposed to the permanent loss of a longstanding play area and public open space, with no mitigation or replacement.

The proposal is in conflict with Natural England's Access standards relating to 'doorstep green space' which aims to ensure easy, immediate access to a piece of nature for daily use, including play.

The importance of Play

Play is fundamental for children's healthy development and wellbeing; outdoor play is associated with particular benefits. These include access to fresh air, opportunities for social and physical development and improvements to overall health and mental well-being. Through play children develop social, physical and cognitive skills, creativity, cultural awareness and resilience. They learn to manage and benefit from risks, make decisions and develop their identities. Play is essential for happy, healthy, capable and resilient children.

Play is so important that it has been recognised as a human right. The United Nations Convention of the Rights of the Child (UNCRC) declared that the right to play was a critical human right -Article 31 (leisure, play and culture) states;

"Every child has the right to relax, play and take part in a wide range of cultural and artistic activities."

National Play Day 2025

On 6th August 2025 (National Play Day) a group of around 5 families and 9 children, got together at the Play Area to celebrate the importance of play. Everyone had a wonderful time, connecting socially as families, the children enjoyed playing and the adults enjoyed the sanctuary in nature, walking around and playing with the children.

Well-being sessions

The site provides a peaceful sanctuary in nature away from the busy A49 just moments away.

Regular well being sessions for the staff at the nearby Child Development Centre and Childrens' Community Nurses base have been held at the open space. The well being sessions have been run in collaboration with the Nature Connectedness programme. They have provided opportunities for physical exercise, mental well being and social connection for local workers.

Protection for Play spaces

Following sustained lobbying by Play England and others, formal play spaces now have new protection under the National Planning Policy Framework (NPPF) as of December 2024.

The amendment appears under Section 8: Promoting Healthy and Safe Communities, specifically in Paragraph 104 (formerly Paragraph 103 in the December 2023 NPPF). This revision underscores the Government's growing recognition of the importance of protecting, enhancing and providing spaces to play.

The new NPPF wording specifically states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless certain strict criteria are met. This includes ensuring that the space is clearly surplus to requirements. This play area is recognised by Herefordshire Council as not surplus to requirements.

The amended plans for this application show a very small area being described as 'Open Space' in which play will be prohibited.

Local and National Policies

This Planning Application does not accord with National Planning Policy Framework (NPPF) paragraph 104 and Core Strategy OS 3, as assessed by Herefordshire Council's Open Spaces Planning Officer. NPPF paragraph 104:

Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*

This application fails both tests:

- There is no assessment showing the site is surplus to requirements.*
- There is no proposed replacement play space.*

On this basis alone, the proposal is in direct conflict with national planning policy and should be refused.

Core Strategy Policy OS3 –

Loss of open space, sports or recreation facilities

In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:

- 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;*

2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community.

Local Consultation

No formal consultation with local residents, families and members of the local community has been carried out by either HALGs or Connexus.

Friends of Redhill Green Play Area have set up an online survey to gather views about what people, including children and teenagers, would like to see at the Play Area.

47 responses have been collected and the results can be seen here:

https://www.surveymonkey.com/results/SM-W3_2FQELAICW5nJJolbd7n1w_3D_3D/
(Password attached)

Overwhelmingly people would like to see the Play Area remain open with improved facilities. Funding for improving Play Areas and Community spaces could be available through the 20 million 'Pride in Place' Government funding being allocated to South Hereford.

Chronology of events:

Date	Event	Comments	Status of the land
May 2023	Application for change of use from Play Area (Class F2) into allotments (P231150/F)	Strong local objection Planning Officer Objection City Council Objection Application withdrawn	Play Area/ Open Space
August 2024	Application for a Lawful Development Certificate for a proposed use of land as allotments (P241928/V)	Members of the public are not able to comment on decisions for Lawful Development Certificate Approved	Play Area/ Open Space
December 2024	Current application submitted	The application, if approved would constitute permanent loss of a play area and public open space –includes locked gate at the boundary. -First opportunity for members of the public to comment on the proposed loss of open space	Play Area/ Open Space
February 2025	Current application published		Play Area/ Open Space
July 2025	Confirmation that Lawful Development	While a certificate of lawfulness (planning	Play Area/ Open Space

	<i>Certificate does not constitute change of use.</i>	<i>ref P241928/V) has been approved for allotment use, in accordance with planning legislation the existing use of the site remains as public open space as no change of use has been granted by the Local Planning Authority.</i>	
<i>February 2025- November 2025</i>	<i>Numerous objections individuals also objections from: Play England and Herefordshire Council Open Spaces Officer.</i>	<i>Existing and established an existing use remained as Open Space</i>	<i>Play Area/ Open Space</i>
<i>Mid November 2025</i>	<i>Play Area fenced off by HALGS, ahead of planning permission (including arrangements to restrict public access) being granted</i>	<i>Continued regular use of the site for play and recreation – the existing and established use of the site had not been abandoned.</i>	<i>(Fenced off) Planning Class use remains F2(c) Local Community Use</i>
<i>March 2026</i>	<i>Planning Committee meeting</i>	<i>Established use of the site for play and recreation has not been abandoned</i>	<i>(Fenced off) Planning Class use remains F2(c) Local Community Use</i>

For 10 of the months that this Planning Application has been live, between February 2025 and November 2025, the play area remained clearly public open space, with no fencing or restrictions on access.

It was confirmed by the Local Planning Authority that: While a certificate of lawfulness (planning ref P241928/V) has been approved for allotment use, in accordance with planning legislation the existing use of the site remains as public open space as no change of use has been granted by the Local Planning Authority.

The site has been managed as a Play Area/ Green Open Space by the Housing Association for 23 years. Prior to this it was managed as a public play area and open space for several decades by the Local Authority..

It has been a Play Area and public open space for over 50 years, it is used and valued by the local community. This application clearly constitutes a loss of public open space.

It is believed that representations relating to loss of public open space should not be discounted, as they remain relevant.

The Lawful Development Certificate is not being disputed.

Allotments, play opportunities and public open space do not need to be mutually exclusive, with a co-operative and collaborative approach it would be possible for meaningful areas for each to co-exist within the site.

It is clear that the Application involves excluding members of the public from the existing open space. This is true regardless of the position taken by the Council as to the baseline. There is clearly nothing which prevents lawful allotment use co-existing with an open space use and indeed it is easy to imagine members of the public walking and recreating and children playing in the space whilst allotment use is also ongoing. The effect of the Application is therefore not to establish the lawful allotment use, but to permit development to exclude the public from the site. The applicant has provided no evidence or even any compelling rationale why this is necessary to facilitate its use as allotments. As regards the 2.4-meter-high gate, this will clearly restrict access to the Land, contrary to its established use as open space, and would be contrary to the development plan.

Green Infrastructure standards detail that changes to urban open spaces should be multifunctional, accessible and inclusive, which this model of allotments will not be.

There are many other examples nationally of allotment sites, where a creative, collaborative and community focussed approaches have been taken to allow meaningful areas for public access and enjoyment and allotments to co-exist within a site.

The area of publicly accessible open space that is to be retained at the site, we believe should be a meaningful and welcoming community space, where children can play, that adults can enjoy and nature can thrive.

Summary

The proposal seeks to remove a longstanding public play space and convert it into private allotments, without any replacement or mitigation. This is inconsistent with national and local planning policy, results in the loss of vital community infrastructure, and fails to consider the impact on children and families.

The planning application does not accord with both local and national policies.

Does this approving this application support a Child Friendly Herefordshire?

It is hoped that Councillors will consider the information provided when considering this planning application.

The email also contained several attachments which can be found on the relevant page of the Council's website, these are:

- A copy of Play England's objection
- A copy of Dr. S. Arun representation
- A copy of Open Spaces June 2023 objection
- A copy of Open Spaces July 2025 objection
- A copy of Mr P Lyons (R Buxton Solicitors) on behalf of Friends of Redhill Green objection
- Children and Young People's Strategic Partnership Vision (found at Appendix 1)

Further representation from Richard Buxton Solicitors on behalf of Friends of Redhill Green:

Dear Council

RE: Access arrangements and works to Land to the rear of Boycott Road Ross Road Hereford HR2 7RL (Ref P243167/F)

1. *We act for the Friends of Redhill Green who have considered carefully the discussion in the committee report ("CR") for the above application, and ultimately the Friends welcome the retention of pedestrian access and amenity/recreational open space*

use alongside the allotments and it struck them as absurd that all concerned could not find a way to combine the two open spaces.

- 2. However, the proposal to separate the open spaces with a chain-link fence and leave a small, compartmentalised area for amenity/recreational open space is contrary to policy. The planning officer's response is to propose conditions 4 and 5 to ensure that what is brought forward meets policy requirements. We trust those conditions have been or are capable of being agreed by HALGS before the committee's resolution. Those conditions are framed expressly (and consistent) with the Open Space Officer's comments in mind, especially at CR para 6.11, and those conditions tie to officer's professional views that only "high quality" proposals will be an equally beneficial replacement to that lost and so comply with Local Plan policies including OS3.*
- 3. There are several practical considerations that go to what "high quality" could look like and where such matters are not for lawyers to promote, the Friends, in the short time available since the CR was published, commissioned an abridged review from Exterior Architecture (see attached to the email together with this letter) that gives a flavour of the type of design approach that could satisfy that standard. We anticipate that such an approach would be a more attractive proposal for HALGS too. While we appreciate that a degree of practical separation may be needed between open spaces, there are various ways this can be achieved, with a number of additional (both planning and non-planning) benefits that follow from integrating rather than segregating the two types of open space and such a proposal would, we envisage, be considered an equally beneficial replacement.*
- 4. The comments in red at page 12 of the CR that the current proposal "looks to be very small and to offer little in recreational value" shows that the recreational open space offering will need reimagining and ultimately this will likely (perhaps necessarily) result in a reduction in the number of allotment plots. The feasibility review indicatively reduces that number from 20 to 15. Two things can be said about that, however.*
- 5. First, the proposed introduction of community growing beds could create a better proposal for Our Lady's School, the Aconbury Centre, and the Child Development Centre (who have all been contacted about taking up plots) since the shared growing space detailed in the feasibility review is more open aspect than the standard enclosure of an allotment plot and would "support opportunities for young people to engage in growing food". Subject to the views of those involved, we envisage that if the preference is to use shared growing space there would (on that basis) be a net loss of 3 allotment plots. Other non-planning benefits include that community beds allow people on an allotment waiting list to take part in growing in the meantime, and upgrading the recreational area with some play space would benefit the wider community but also allotment tenants where their families and children can be brought along and play nearby while adults tend their plots.*
- 6. Ultimately, there are a range of proposals that could be acceptable and approved in accordance with conditions 4 and 5, and the Friends have put forward a flavour of what a better integrated set of spaces and a more obviously acceptable scheme could look like. That would not result in a different project to the current application for access arrangements and ancillary work – that is, it would not require either a separate consent or an amendment to the current proposal. Simply put, the proposal is an upgrade to an existing open space.*
- 7. We understand that safety standards apply to formal play equipment (if the same were included), but such equipment would not require a change of use for the site. The site is already classified as open space, and that remains true whether classified as formal play space, amenity or informal recreational open space all of which*

(together with allotments) fall within the taxonomy of open spaces considered in the CR and they clearly meet the NPPF definition of land that has “public value” and provides opportunities for recreation and visual amenity. If play equipment is prohibitive due to restrictions on structures (though we think permitted development rights may apply) or because of the additional associated costs (see below), the position remains that a range of alternative proposals could be brought forward, including opportunities for informal play spaces.

8. *It is common ground that the land is a combination of open spaces, including amenity/recreational open space. LP policies require that the lost recreational space is to be replaced with something “equally beneficial” if the application under Ref P243167/F is to be approved and what that looks like will be contextual but Conditions 4 and 5 requiring approval/discharge are necessary to make acceptable in planning terms the changes to access arrangements and ancillary works.*
9. *As above this is not a different project requiring a fresh application nor is there is a new environmental effect of a revised scheme and a design that includes (as does the example in the feasibility review) a wildlife corridor would improve biodiversity, and in any event the BNG calculation is comfortably above 10% requirement.*
10. *One final practical consideration is that we understand an indicative cost would be (for something of this nature) upwards of £150,000 if contractors are involved, largely a result of play equipment and it is not known if that is in the realms of affordability, but of course cost is relative and it is hoped (we trust not naively) that the Council and Connexus could support HALGS and the community to find a sensible way forward noted what is said above.*
11. *The Friends have taken a constructive approach in responding to this application and again welcome the proposal to retain access and provide open space. They do not want to have to use the High Court to determine the more technical issues behind this application however (and importantly) their position is reserved.*

A Landscape Feasibility Review by Exterior architecture accompanies this representation can is attached at Appendix 2.

Further representation from Mrs J. Ward:

I am objecting to this application again because it is Herefordshire Council's policy for children to "have a good quality education, housing, sport, leisure and play facilities", as set out in their "Child Friendly Herefordshire" policy launched last week by the Head of Children's Services. The removal of play equipment by Connexus, who manage the play area, and the subsequent removal of the entire play area conflicts with Child Friendly Herefordshire now and into the future. Connexus manages other play area throughout the county which it does not maintain and if this application is approved, it sets a precedent for the removal of other play areas. There are no parking facilities at the site, which is pedestrian only. As I understand it, potential allotment holders plan to park at The Child Development Centre car park, which is small car park, owned by the NHS and is only for the use of staff and thousands of parents who bring their children to the centre every year. The A49 is an extremely busy road and additional traffic to this site will be a further hazard for children and parents. I understand that future allotment holders are from outside the City and access to this site is being provided because local parish councils have failed to provide allotments for their residents. I am sure that in making their decision, the Planning Committee will have in the forefront of their minds, what is the best solution for the local community? I fail to see how the loss of this amenity will benefit local parents and their children, staff at the Child Development Centre and the children they serve. How will the loss of the facility fit in with Child Friendly Herefordshire? In order for this to be pleasantly resolved, a compromise needs to be made between those wishing for allotments and those in need of play facilities, as I have outlined below.

The play area on the site be provided with play equipment, benches and suitably designed with the help of Play England and Herefordshire Council Children's Services. The area would be approximately one fifth of the site, accessible on foot and open to the local community.

Further representation from Mr D. Howerski:

It was my intention to address the committee on the 18th March but currently unable to do so. Can you please circulate this email to the planning committee members. Thank you for you help.

The email and the 4 x evidential attachments are being sent to highlight the important omissions made in the Officer Report dated 18th March 2026

These omissions will expose Herefordshire Council to a potential legal challenge over planning application 243167 which is invalid.

1. It is a stunning level of Herefordshire Council's planning departments competency, to be able to finally produce a 32-page detailed planning document for public consumption, 5 days before a Committee meeting on 18th March 2026. This is some 3 years after an original planning application made on the 12th April 2023. The reversal of planning opinion that denies their own policies and deprives the local community of an open space, is clearly not in the public interest. One might take the view that this decision is not unconnected with the Local Authority support and funding for HALG. This I contend is obviously a material consideration with regard to the officer's report now before the committee.

I make the following points with regard to the Officers Report for the meeting of the 18th March 2026.

1. PF 2, Page 10, Para 5 sec 6.13

This is incorrect the land concerned has Legal Covenants on it which legally bind both Herefordshire Council and Connexus. They are contained in schedule 4 of the title to the land HE17055, a copy of which has been supplied to the planning department. Herefordshire Council and Connexus are in breach of the Covenants.

2. PF 2 page 29. Para 6.29, the claim that no supporting evidence was given is incorrect. The Open Spaces Society supplied the Planning Department with the relevant Title and Plan numbers by letter on 24th January 2026 and also on 21st February 2026. These letters form part of the public record.

3. PF2 page 29. Para 6.30. This statement is incorrect. I attach both the FOI and the letter from National Highways confirming no service of a sec 14 notice took place. This invalidates the planning application 243167.

4. PF2 page 29. Para 6.31. This is not agreed, the land as shown is clearly a "ransom strip" and express permission is required in law to access the land concerned. I attach the relevant plans.

The four attachments can be found at Appendices 3, 4, 5 and 6.

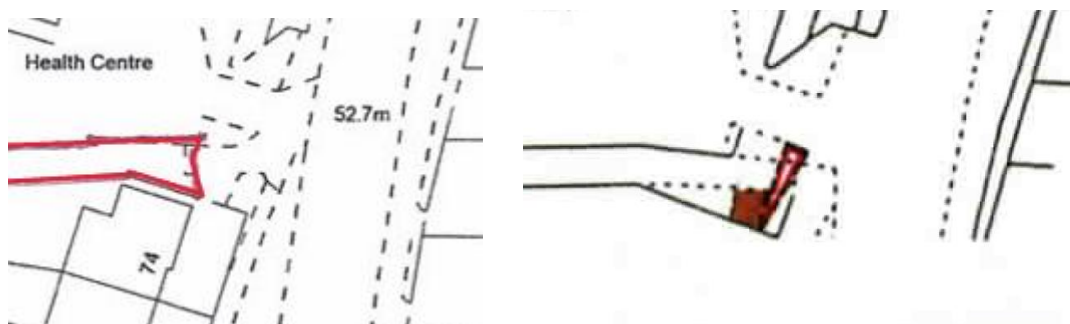
OFFICER COMMENTS

In regard to the validity of the application and questions surrounding the ownership of the access the agent has provided the following response:

The application site red line area was drawn up to include access to the public highway, in line with the DMPO 2015 (as amended). The comparison of the site location plan and the Title Plan extracted below reveals that there is no overlap of the red line area and land owned by National Highways. The poor level of detail on the Title Plan does not assist comparison, but it remains evident that the land owned by National Highways sits in front of the dwelling at 74, Ross Road.

No notice was therefore required to be served on National Highways.

Notwithstanding this, as you've already noted, National Highways has not objected to the planning application and, moreover, was subject to positive pre-application engagement. In terms of the latter, Ellie Smith (National Highways) responded to HALGS by letter on 27th June 2024 and by email on 4th December 2024. To that end, there could be no suggestion that National Highways was not aware of the proposed application (initially, submitted on 12th December 2024).



Following further submissions since the publication of the report, the Council has taken some further legal advice and reviewed the titles for the surrounding area to try and understand the matter being raised.

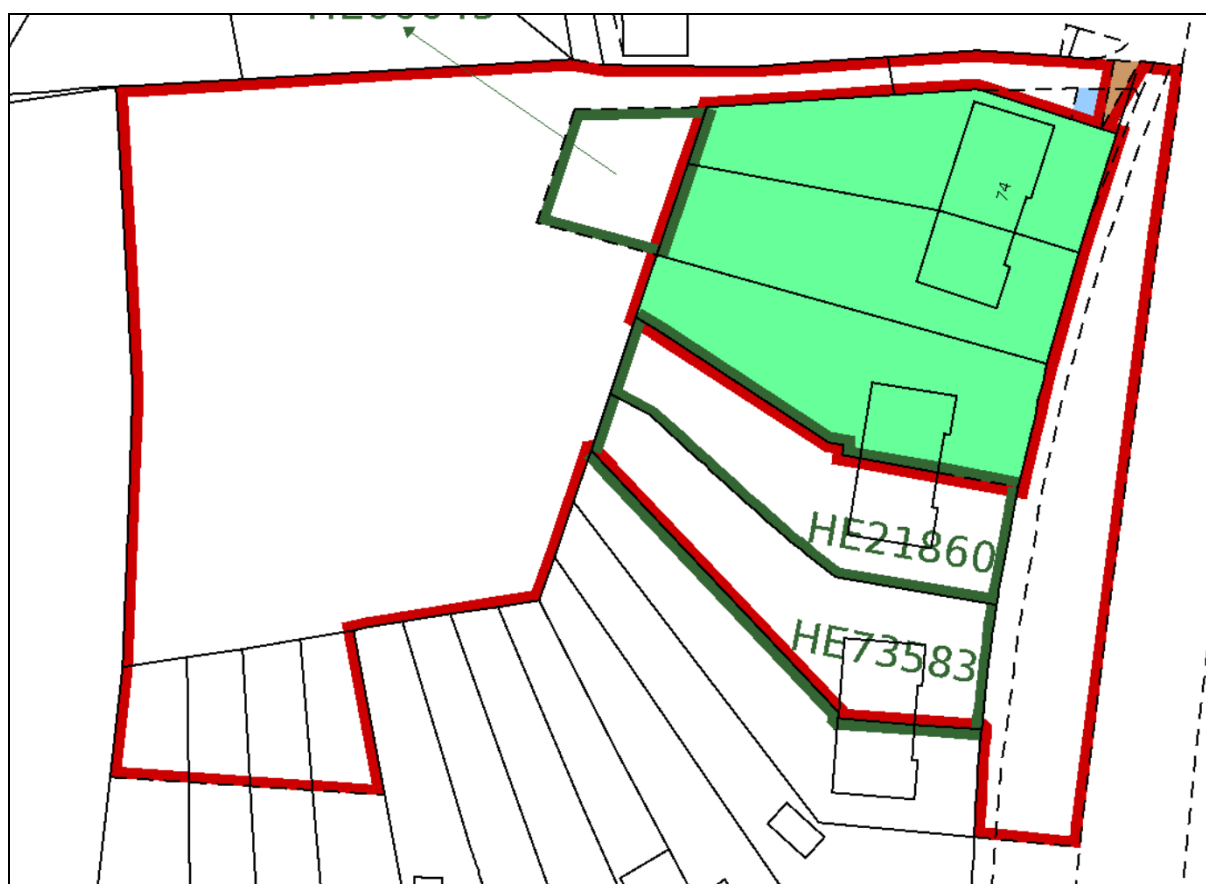
Firstly, the Council is satisfied that the correct certificates have been signed (and served) having regard to the red edge application site. Based on the location plan submitted, there was no requirement to serve notice on National Highways.

The National Planning Practice Guidance (Paragraph: 024 Reference ID: 14-024-20140306) advises:

that a location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

The Local Planning Authority have reviewed the titles to ascertain where the public highway is. In both titles it refers to the rights of national Highways to build a retaining wall, such rights being appurtenant to the road known as the Hungerford-Hereford Trunk road (including the said land) The "said land" is referring to the small triangular strip in the ownership of National Highways that forms part of the access (shown coloured brown on Connexus title HE17055). Accordingly in 2002 the strip was considered to form part of the Highway and unless a closure order has been made it remains as such. The Council is not aware of any such closure order. An extract of this title plan is inserted below for ease.



The red edge application site boundary does not extend over this 'brown' area that is considered to be highway and no notice need be served. Notwithstanding this, National Highways were consulted at both pre-application stage and as a statutory consultee on the planning application and have not raised any objections and acknowledge in their response that the access to the Site is existing.

Having reviewed the titles and the location plan submitted with the application, the red line on the application plan may not extend as far as the highway. However, the area in question does not form part of the developable area and no changes are required to the existing access arrangements. As such officers are satisfied that, if the land is not highway, then the land is in the ownership of the party on whom Certificate B has been validly served.

Land ownership issues and the ability to legally access a site are generally regarded as private legal disputes to be resolved outside the planning process

NO CHANGE TO RECOMMENDATION

253584 - REPLACEMENT OF AN EXISTING GAS HEATING BOILER AND BALANCED FLUE WITH A NEW GAS BOILER AND FLUE TOGETHER WITH ASSOCIATED REPAIRS AND ALTERATIONS AT THE OLD HOUSE, HIGH TOWN, HEREFORD, HEREFORDSHIRE, HR1 2AA

ADDITIONAL REPRESENTATIONS

One additional representation has been received from Hereford City Council since the publication of the officer report. Comments are provided below:

“These are modest amendments and the HCC planning committee had no further objections.”

OFFICER COMMENTS

The representation raises no new material considerations.

As the representation is not a formal ‘no objection’, the application still requires determination by the Committee given this application relates to a Council application/Council owned property and because the application has attracted an unresolved objection namely the original representation of Hereford City Council.

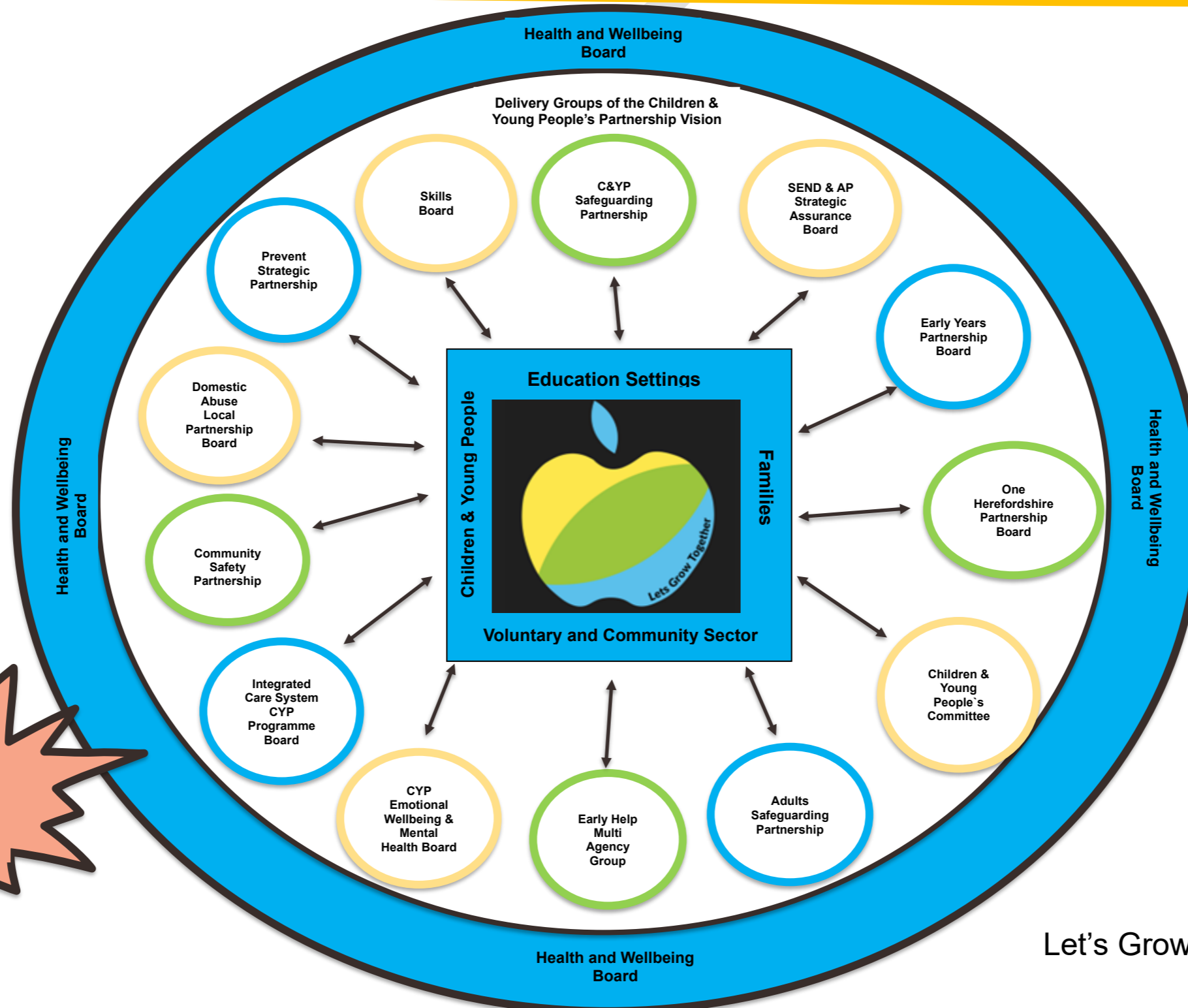
NO CHANGE TO RECOMMENDATION

Children and Young People's Strategic Partnership

Children and Young People's Strategic Partnership Vision

Our Vision is for Children and Young People in Herefordshire to:

- feel Included, valued, happy, healthy and safe in their homes and in their community as they grow up,
- have access to good quality education, housing, sport, leisure and play facilities that enable them to thrive in their physical, emotional, intellectual and social development as they grow up to be young adults; and
- live in a county of towns and villages that value them as Children and Young People and be the next generation to help keep Herefordshire the place people want to live and work.



Let's Grow Together...



Children and Young People's Strategic Partnership

Children and Young People's Partnership Membership

- Cabinet Member, Children & Young People, Herefordshire Council
- Corporate Director, Children and Young People, Herefordshire Council
- Service Director, Education, Skills and Learning, Children and Young People, Herefordshire Council
- Service Director, Safeguarding and Support, Children and Young People, Herefordshire Council
- Detective Chief Inspector, West Mercia Police
- Director, Operations and Delivery, Integrated Care Board
- Chief Nursing Officer, Wye Valley Trust
- Director, Public Health, Community Wellbeing, Herefordshire Council
- Head of Service, Starting Well, Community Wellbeing, Herefordshire Council
- Chief Officer, Healthwatch Herefordshire
- VCSE Rep, Youth Provision, HVOSS (Herefordshire Voluntary Organisations Support Service)
- Diocesan Secretary, Diocese of Hereford

OUR OBJECTIVE

- Provide leadership and strategic direction in how Herefordshire collectively responds to the needs of children and young people.
- Bring partners together to think creatively, talk openly and remove barriers to making progress in reducing inequality and ensuring all children have the best possible start in life.
- Have effective communications and inter-relationships with other children and young people CYP boards contributing to our aims
- Provision for reporting and escalation of progress, issues, risks, quality and performance to the Health & Wellbeing Board, the Integrated Care System and CYP Programme Board.
- Promote and embed agreed principles for trauma informed practice through all the work of the partnership.

The Children and Young People's Partnership is founded on the statutory duties of co-operation with partners under the Children Act 2004.

OUR AIM

The purpose of the Children & Young People's Partnership is to act as a "connector" to the network of delivery forums that work to achieve the vision and direction of local action to improve wellbeing outcomes for children & young people and creating a child friendly Herefordshire

Delivering Herefordshire's vision for Children and Young People in Herefordshire to:

- Feel Included, valued, happy, healthy and safe in their homes and in their community as they grow up
- To have access to good quality education, housing, sport, leisure and play facilities that enable them to thrive in their physical, emotional, intellectual and social development as they grow up to be young adults; and
- To live in a county of towns and villages that value them as Children and Young People and be the next generation to help keep Herefordshire the place people want to live and work

This will require the Board to:

- Work together to ensure all staff are cited and engaged in the fullest network of partnerships.
- Review strategic priorities and local evidence, taking into account national guidance, research findings, reports from independent regulators (e.g. CQC, OFSTED) and other key bodies.
- Ensure that delivery programmes can evidence co-production, system-wide communication, engagement and/or consultation and measurable outcomes
- Share and cascade information to ensure the respective groups are making connections across forums and that the outcomes of each are sufficiently connected to the overarching vision of what we seek to achieve for the CYP of Herefordshire.
- Review measure and outcomes to understanding achievement and barriers to achieving the agreed vision.

Measures for the partnership to analyse for assurance

Data will be measured against:

our own base line data at 2025, relevant Regional, Statistical Neighbours and National data where available to understand our progress – we seek to be better and improve

% of 2.5 yr olds offered a health check review and take up.	Public Health
% of children achieving a good level of development at 2.5yr	Public Health
% of 16-17yr olds not in education, employment and training	LA Education
% of Herefordshire children registered with an NHS dentist	ICB
% of Childhood Healthy Weight measures within Herefordshire	Public Health
Family Help plans agency and Lead Practitioners	LA Social Care
Repeat social work assessment and child protection plans	LA Social Care
% of children and young people who report being happy with life	Quality-of-Life
School Inclusion for children with additional needs and SEND	LA Education
School Exclusion data for vulnerable children	LA Education
Reduction in the inequality FSM gap at Early Years	LA Education
A reduction in the disadvantaged inequality gap at KS2	LA Education
Children and young people crime statistics	West Mercia Police
Rate of children & young people U18 accessing NHS funded Mental Health services.	ICB

Children and Young People's Strategic Partnership

Early Years

Early Years Partnership Board/BSIL

Chair: Lindsay Machardy, Public Health Principal (Public Health lead for Children & Young People and All-Age Mental Health), Herefordshire Council

Reports to: Health & Wellbeing Board

Aims: Co-ordinate and oversee implementation and delivery of the Health & Wellbeing Board's priority: Best Start in Life (BSiL) implementation plan.

Understand local and national policies/drivers and the implications/opportunities for Herefordshire

Develop plans and a shared approach to achieving targets for Herefordshire as outlined in the BSiL implementation plan.

Early Help

Early Help Multiagency Operational Group

Chair: Christine Wellington, Head of Service, Early Help, Children and Young People, Herefordshire Council

Reports to: Standalone Board

Aims: To offer a partnership approach to Early Help within Herefordshire which oversees and reviews the Early Help & Prevention Strategy; with members acting as Early Help & Prevention champions promoting the right help at the right time for children and families. The group objectives also include identifying gaps in provision, making recommendations where required; and to undertake multi-agency audits to assure members of the quality of practice on an annual basis.

[Early Help and prevention strategy - Council policies, strategies and procedures – Herefordshire Council](#)

Emotional/Mental Health

CYP Emotional Wellbeing and Mental Health Partnership Board

Chair, Jack Wainright, Senior Programme Lead, Mental Health, ICB

Reports to, Good Mental Health Partnership Board. Health & Wellbeing Board.

Aims: Place based partnership co-ordinating action to support the mental wellbeing of children and young people.

[Children & Young People Transformation Plan :: Herefordshire and Worcestershire Integrated Care System](#)

Education/SEND

SEND and AP Strategic Assurance Board

Chair, Mari Gay, Managing Director, NHS Herefordshire and Worcestershire Integrated Care Board (ICB)

Reports to: ICB and Children's Health & Wellbeing Board

Aims: To oversee what is happening across the area/implementation of the SEND strategy. Make regular checks on what is working and what needs improvement for SEND across Herefordshire. The board ensures that there is enough challenge to make change quickly enough and that everyone is working together to make things better.

[Special Educational Needs and Disabilities and Alternative Provision Strategy 2023-26](#)

Skills Board

Chair, David Williams, Principal Herefordshire, Ludlow and North Shropshire College

Reports to Herefordshire Business Growth Board.

Aims: To develop a strategic and co-ordinated approach to skills development across Herefordshire in response to the ambitions of the Herefordshire Big Economic Plan and Local Skills Investment Plan. Supporting the growth of an inclusive economy with a highly skilled workforce where skills and employment provision meets business need and the aspirations of individuals. The Skills Board will share knowledge on skills and labour market needs and work together to understand and find solutions to key local skills challenges. This includes what is needed now and looking at what is required in the future.

[Business growth – Herefordshire Council](#)

Domestic Abuse Local Partnership Board (DALPB)

Chair, Zoe Clifford, Director Public Health, Herefordshire Council

Reports to: Herefordshire Community Safety Partnership (HCSP), Health and Wellbeing Board

Aims: Progress the identified priority areas and actions of the Domestic Abuse Strategy 25-28 and accompanying Action Plan.

[Domestic Abuse Strategy for Herefordshire 2025 to 2028](#)

Safeguarding Partnership

Herefordshire Safeguarding Children Partnership (HSCP)

Chair, Tina Russell, Corporate Director, Children and Young People, Herefordshire Council

Independent Scrutineer, Kevin Crompton

Reports to: Lead Safeguarding Partners - Herefordshire Children's Scrutiny Committee, Police and Crime Commissioner, ICB Governing Body.

Aims: To make arrangements for partner agencies to work together to safeguard and promote the welfare of all children and young people in Herefordshire.

Subgroups, Quality & Effectiveness Group, Development & Practice, Joint Case Review, MASH Group, Child Exploitation & Missing, Education Group.

[HSCP Strategic Plan & Priorities - Herefordshire Safeguarding Boards and Partnerships](#)

Herefordshire Safeguarding Adults Board (HSAB)

Chair, Kevin Crompton, HSAB Independent Chair, Herefordshire Council

Reports to: Responsibility shared between Herefordshire Council, West Mercia Police and Herefordshire and Worcestershire NHS ICB, with the CEO of Herefordshire Council holding the board to account.

Aims: To help and safeguard adults with care and support needs by leading adult safeguarding arrangements across the local area and overseeing and co-ordinating the effectiveness of the safeguarding work of its member and partner agencies.

Subgroups, Performance and Quality Assurance, Training and Workforce Development, Joint Case Review Group, Self-Neglect and Hoarding Group.

[HSAB Strategic Plan 2023-2026 - Herefordshire Safeguarding Boards and Partnerships](#)

Children and Young People's Strategic Partnership

Herefordshire Community Safety Partnership

HCSP Board

Chair, Jon Barnes, Chief Executive Officer, WVT NHS

Reports to: Standalone board – a requirement of the Crime and Disorder Act 1998

Aims: Organisations working together to protect our local community from crime and to help people feel safer.

Herefordshire Strategic Partnerships and strategic sub-groups

Sexual Violence Subgroup

Prevent Board

Protect and Prepare Board

Domestic Abuse Local Partnership Board

Multi-Agency Tasking and Coordination (MATAC)

Reducing Re-offending Board

Herefordshire Combatting Drugs Partnership

Health and Wellbeing Board

Chair, Councillor Carole Gandy, Cabinet Member Adults, Health and Wellbeing, Herefordshire Council

Reports to: Standalone board

Aims: Health and wellbeing boards (HWBs) have been a key mechanism for driving joined up working at a local level since they were established in 2013. The Herefordshire HWB is a formal statutory committee of the local authority, and provides a forum where political, clinical, professional and community leaders from across the health and care system come together to improve the health and wellbeing of the local population and reduce health inequalities.

[Herefordshire Joint Local Health and Wellbeing Strategy 2023 - 2033](#)

Health and Wellbeing

One Herefordshire Partnership

Chair, Jane Ives, Managing Director, Wye Valley NHS Trust

Reports to (this is a Partnership, each Partner reports back to its organisation)

Aims: Place based partnership leading on improving health and wellbeing via integration and delivery of services delegated via ICB.

Integrated Care System, Children and Young People Programme Board

Chair, Dr Louise Bramble, Deputy Chief Medical Officer, Herefordshire & Worcestershire ICB.

Reports to, Herefordshire and Worcestershire Integrated Care Board

Aims: Provide oversight and assurance of the design and delivery of an integrated system to improve health and wellbeing outcomes for Children & Young People.

Wye Valley Trust, Children and Young People's Committee

Chair, Jo Rouse, Non- Executive Director

Reports to, WVT Trust Board

Aims: Provide assurance regarding services across the Trust provided to all patients below the age of 18. In particular that these services are designed and delivered in a manner that meets the physical, emotional and developmental needs of this group of patients; and in addition, that they provide for a safe and effective transition to adult services.

Prevent Strategic Partnership

Chair, Kayte Thompson-Dixon, Community Resilience Manager, Herefordshire Council

Reports to: Herefordshire Community Safety Partnership

Aims: Provide oversight of all statutory Prevent delivery including referral pathways and Channel. Agreeing and updating the local risk assessment, Developing and agreeing the Prevent partnership plan Facilitating the sharing of information among partners e.g. emerging threats, risks and information vital for Prevent delivery.

Monitoring and reviewing performance of Prevent partnership delivery. Assessing compliance with Channel duty requirements

Assessing referral data and anonymised case studies to monitor

Channel performance. Monitor and manage any significant risks that relate to local permissive environments.

Monitor and review CT risk in the area and if necessary, review and adapt delivery to address variations in risk.

[Counter-terrorism strategy \(CONTEST\) 2023 - GOV.UK](#)

Boycott Road, Hereford

LANDSCAPE FEASIBILITY REVIEW

MARCH 2026

EXTERIOR
ARCHITECTURE

EXTERIOR ARCHITECTURE

Boycott Road, Hereford

Landscape Feasibility Review

Date	16/03/2026
Revision	P01
Written	ExA
Checked	SL Associate
Doc Ref:	EXA-ZZ-ZZ-RP-L-00900

Revision	Description	Date
P01	Feasibility layout	16/03/2026

Current Proposal

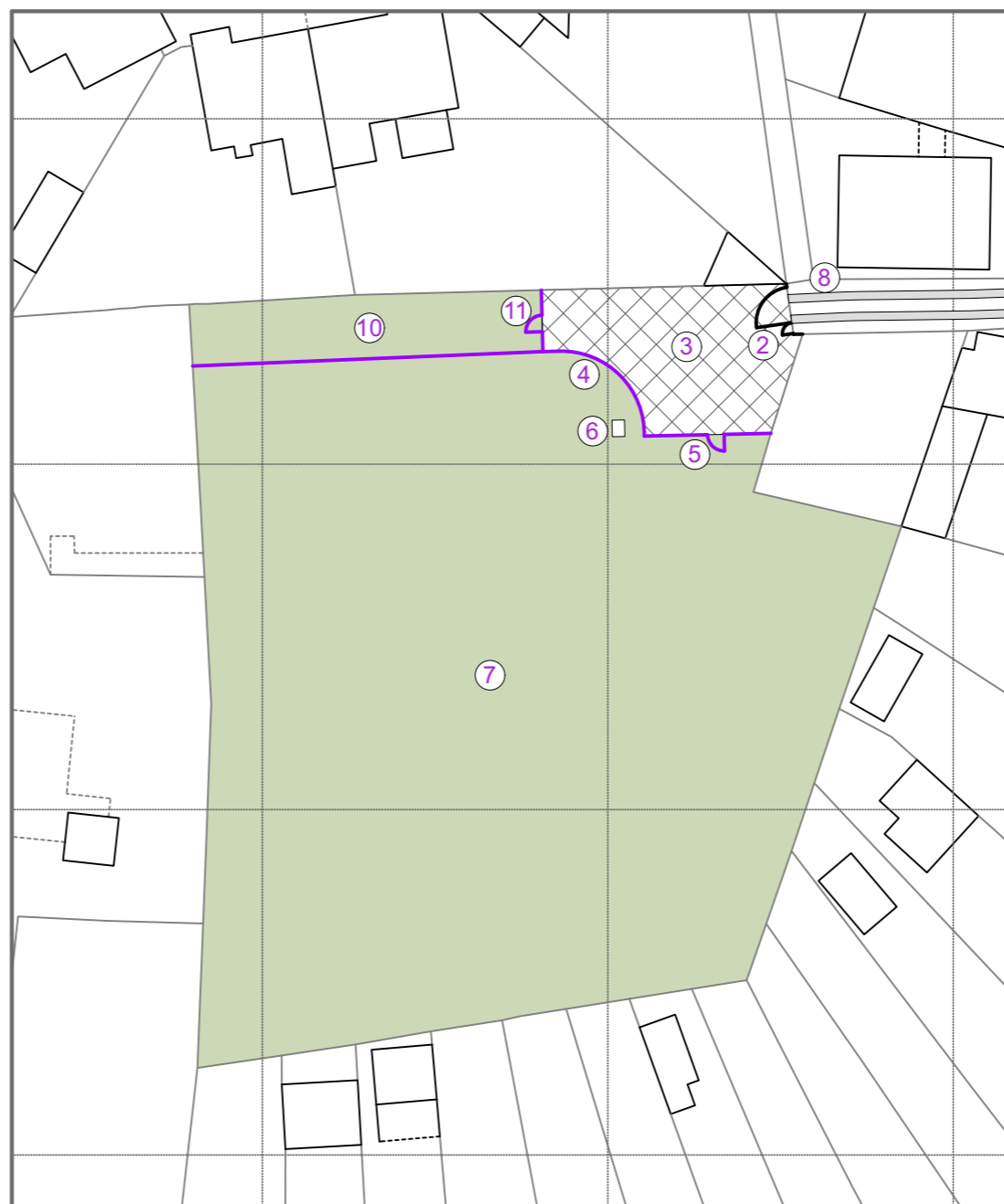
Several issues arise from the proposed publicly accessible area within the allotment scheme. The space appears to have been retrofitted into the layout and results in a sub-standard area of public open space with potential usability, safety and maintenance concerns.

Public safety: The narrow, linear space with a single access point is poorly designed and may make users feel unsafe. This concern is heightened given the likelihood of use by children and young people.

Usability: The provision of a single bench within a constrained space, facing directly onto a post and chain-link fence, offers very limited public amenity value.

Passive surveillance: The narrow proportions make it difficult to determine whether the bench is already in use. In addition, the space is enclosed by fencing, resulting in minimal passive surveillance whilst there is a missed opportunity to integrate different users of the site

Maintenance: The constrained layout may create challenges for ongoing maintenance. The precise location of the proposed bench and whether a hard-surfaced path will be provided is unclear. In the absence of a path, a desire line is likely to form, which could become worn and muddy during winter months.



KEY

- ① Two-tyre access track. Refer to Supporting Statement for construction specification.
- ② Retain existing gated entrance
- ③ Vehicular turning area. Refer to Supporting Statement for construction specification.
- ④ Purple line denotes post and chain link fencing to perimeter of turning area and accessible open space.
- ⑤ Pedestrian gate for access into allotments.
- ⑥ Location of compostable toilet - refer to elevations adjacent.
- ⑦ Allotments area. Note: 1 garden shed to be sited per allotment with maximum of 20no. allotments. Refer to elevations adjacent.
- ⑧ Sign at top of access track as you leave turning area - refer to Appendix 1
- ⑨ Double sided sign at bottom of access track to advise vehicles entering from A49 have right of way, also turn left arrow for vehicles leaving the access and entering the A49 - refer to Appendix 1
- ⑩ Accessible area with bench
- ⑪ Pedestrian gate to accessible area

Current proposals plan

Site opportunities

- 1 Vehicle access and turning area making use of kink in site boundary
- 2 Appropriately proportioned public open space with opportunity to incorporate play, seating and other community facilities
- 3 Sun path, demonstrating elements in POS will not over-shade allotments
- 4 Allotments covering majority of space
- 5 Passive surveillance of POS from Allotments, site entrance and surrounding dwellings
- 6 Opportunity to create a biodiversity corridor to the perimeter of the site



Site Opportunities

Vision & Approach

Precedent images



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Concept masterplan



A more balanced and considered approach to the mix of uses across the site would provide an opportunity to create a community asset that serves a wider range of users. Natural play elements could be developed through co-design with local children, helping to create a vibrant and well-used space with complementary activities.

The concept layout illustrates how this local play space could be accommodated alongside biodiversity-enhancing planting, seating and circulation routes, together with a community growing area. This shared growing space could encourage interaction between site users, enable allotment tenants to share their expertise, and support opportunities for young people to engage in growing food.

- ① Space for 15no Allotments
- ② Vehicle access and turning
- ③ Gated entrance to community space
- ④ Local play area (shown indicatively, opportunity to develop through co-design with local schools)
- ⑤ Orchard trees
- ⑥ Native hedgerows to edge of space, creating a biodiversity corridor
- ⑦ Community growing space with table seating
- ⑧ Bench seating

Concept layout

EXTERIOR ARCHITECTURE

EXTERIOR ARCHITECTURE - LONDON OFFICE

Unit 17.2 The Leather Market

11-13 Weston Street

London SE1 3ER

+44 (0) 20 7978 2101

OFFICE@EXTERIORARCHITECTURE.COM

EXTERIOR ARCHITECTURE - MANCHESTER OFFICE

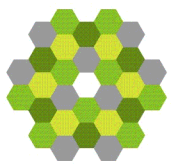
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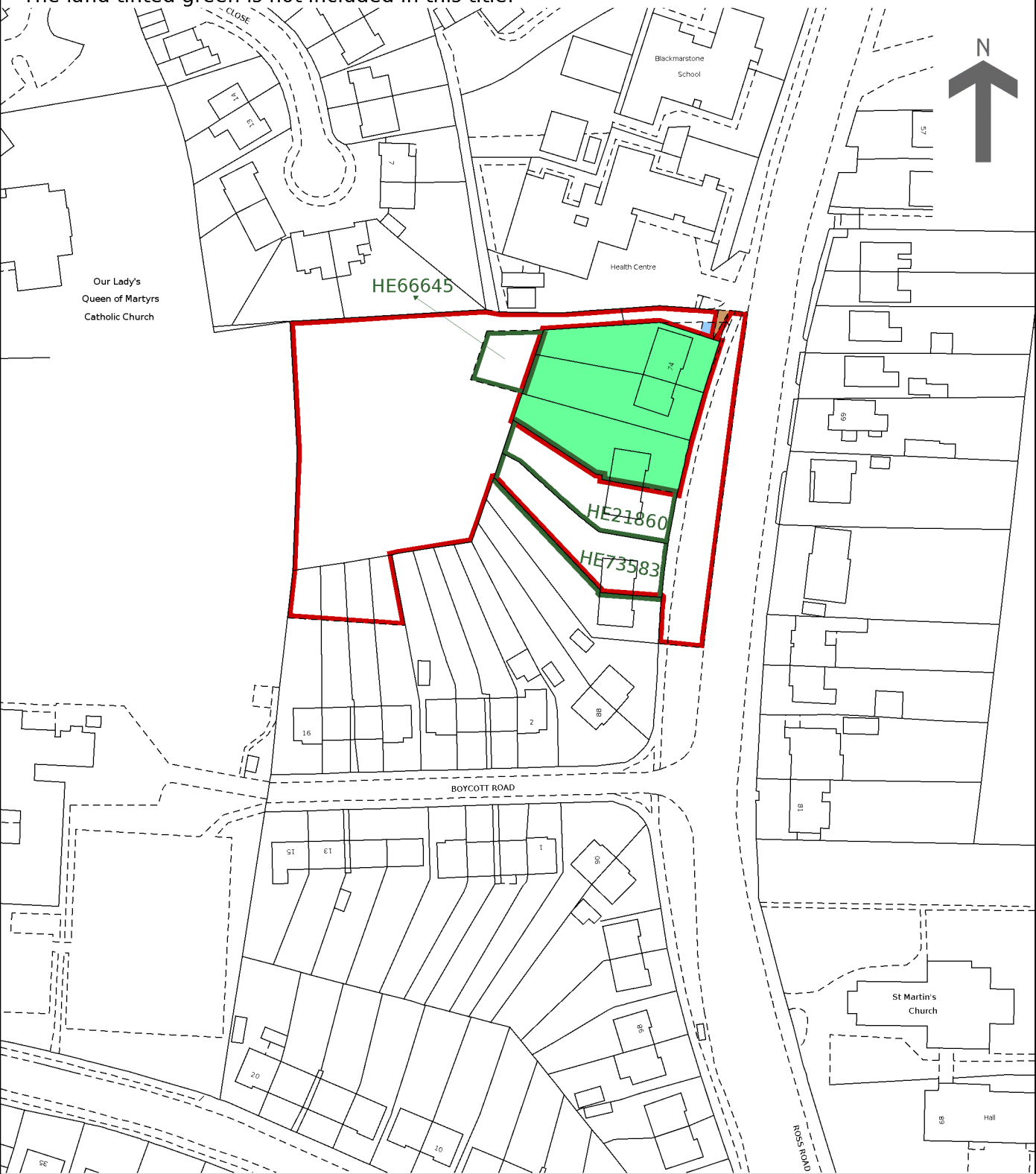
Manchester M2 7DH

+44 (0) 161 850 8101

OFFICEMCR@EXTERIORARCHITECTURE.COM



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Dear David,

Thank you for your email.

National Highways is a statutory consultee in the planning process, which means the Local Planning Authority (LPA) must ask for our views on planning applications that could affect the Strategic Road Network, which at this location is the A49. We look at the information provided by the applicant, assess how the proposal might impact the road, and then send our comments to the LPA. They consider our feedback, along with comments from statutory consultees, before making their decision on the application.

In response to your questions:

1. ***The Spatial Planning team for the midlands has not received this.***
2. National Highways responded to planning application 243167 recommending conditions for a Construction Traffic Management Plan. The access for the site is existing, with the application for the track only. The CTMP will look to ensure construction traffic is managed safely which includes ensuring all vehicles are parked within the site and that all vehicles can enter and exit in a forward gear.

If you have any further questions please do not hesitate to contact me.

Kind Regards

Ellie Smith BSc (Hons), MSc

Assistant Spatial Planner

Operations Directorate (Midlands) - Herefordshire, Shropshire, Telford & Wrekin and
Worcestershire

[[email address](#)]

Web: <http://www.nationalhighways.co.uk/>

[show quoted sections](#)

Link to this [Report](#)

We don't know whether the most recent response to this request contains information or not – if you are [David Ludwig Howerski](#) please [sign in](#) and let everyone know.

Dear National Highways Limited

You are a public consultee and also a landholder of Land Registry Title HW60294. I understand that your proprietary rights are separate from your consultee position.

Hereford Leisure Allotments Group (HALG) has made planning application 243167 . The application purports to secure access for future allotments on land which is currently deemed Public Open Space /Play Area F2 in planning Status. You previously objected to this change of use.

1. Has HALG served a notice under Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14 on National Highways Ltd?
2. Has National Highways Ltd provided HALG with expressed permission for vehicular access across your land .

Yours faithfully,

David Ludwig Howerski

PLANNING and REGULATORY COMMITTEE

18 March 2026

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Ms Shannon per Mr Ben Greenaway	Proposed improvements to existing access arrangements to facilitate the lawful use of land as allotments and ancillary works to include signs, sheds and a compostable toilet at LAND TO THE REAR OF BOYCOTT ROAD, ROSS ROAD, HEREFORD, HR2 7RL	243167	45
OBJECTOR SUPPORTER		MR MANWARING (Local Resident) MRS SHANNON (Aplicant)		
7	Mr Macklin per Mr Stephen Peel	Replacement of an existing gas heating boiler and balanced flue with anew gas boiler and flue together with associated repairs and alterations at THE OLD HOUSE, HIGH TOWN, HEREFORD, HEREFORDSHIRE, HR1 2AA	253584	77
PARISH COUNCIL SUPPORTER		MR MILLN (Hereford City Council) MR PEEL (Applicant's agent)		

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	8 APRIL 2026
TITLE OF REPORT:	<p>242783 - A HYBRID PLANNING APPLICATION COMPRISING: AN APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF A DAY NURSERY (USE CLASS E (F)) AND FOODSTORE (USE CLASS E (A)) INCLUDING ACCESS, CAR PARKING LANDSCAPING AND ASSOCIATED WORK; & AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A MEDICAL CENTRE (USE CLASS E(E)), WITH AT LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE,</p> <p>For: Lidl GB Ltd per Mr Rob Mitchell, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242783&search-term=242783
Reason Application submitted to Committee – Redirection request	

Date Received: 29 October 2024

Ward: Ledbury South

Grid Ref: 370392,236681

Expiry Date: 30 May 2025

Local Members: Cllr Stefanie Simmons. Adjoining - Cllr Liz Harvey and Cllr Justine Peberdy

BACKGROUND

The application, originally resolved for approval by Planning Committee on 3 September 2025 and formally permitted, following completion of the Section 106 agreement, by the grant of planning permission on 28 November 2025, has been returned to Committee following a Consent Order issued by the High Court on 21 January 2026, which quashed the decision on the basis of two legal errors: a failure to properly undertake and publish an Environmental Impact Assessment (EIA) screening assessment, and a failure to correctly consider and apply paragraph 127 of the National Planning Policy Framework. Although an assessment of EIA matters was included within the original Committee Report, the absence of a formal screening opinion meant the process did not comply fully with the EIA Regulations. Officers have now completed and adopted a comprehensive EIA screening matrix and published a negative screening opinion, and prepared a new report and recommendation as set out below. The application is being returned to Planning Committee so Members can re-take their decision as to whether to grant or refuse planning permission for the proposed development that is the subject of the application.

The minutes of the 3 September 2025 Planning Committee meeting are accessible at **Appendix 2**.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

This report sets out a fully assessment by officers of the application and supersedes in full the previous reports to committee. The Committee should refer to and have regard to this report when considering the application and officers assessment of it.

1.0 Site Description

- 1.1 The application site covers a broadly triangular parcel of land and is currently in agricultural use. It is primarily bound by hedgerows, interspersed with trees. The land slopes down from the south-western corner to the north-east. The surrounding area comprises a mix of uses. To the west, along the B4216 Dymock Road, there are commercial and employment premises. To the north of the adjacent four-arm roundabout, land is occupied by a mix of residential development and a the 'Full-Pitcher' public-house. To the south-east, is a recently completed residential development – with its public open-space being located closest to the site's southeastern boundary.
- 1.2 The site is located roughly 600-metres from the boundary of the Malvern Hills National Landscape (NL) and is situated within its wider setting. Although lying within Flood Zone 1, The River Leadon is located around-200 metres to the west of the site. A small part of the site's western extent is identified as being at risk from surface water flooding.
- 1.3 The site is located approximately 850-metres to the south of the Ledbury Conservation Area, and there are no listed buildings within close proximity to the site.

Due to its position adjacent to Dymock Road and Leadon Way, both principal vehicular routes serving Ledbury, the site can be considered as a 'gateway' to the town.

2.0 Proposal

- 2.1 The application seeks planning permission for a mixed-use scheme comprising a retail foodstore, a day care nursery, and a medical centre. The application is made in hybrid format, with full planning permission sought for the foodstore and nursery, and outline planning permission sought for the medical centre.

Full application

- 2.2 The proposed foodstore, to be operated by Lidl, would have a net sales area of 1,100 square metres and would be situated to the northern part of the site. It would be served by a dedicated surface-level car park to the west, providing around 101 spaces, including spaces for disabled users, parent and child parking, and electric vehicle charging. The foodstore is proposed to operate between 08:00 and 22:00 Monday to Saturday, and between 10:00 and 16:00 on Sundays. Unrestricted delivery hours are also sought.
- 2.3 Immediately to the south of the foodstore, a day care nursery is proposed, benefiting from a dedicated parking area.
- 2.4 The proposed development would be accessed via a new junction taken from the B4216 Dymock Road, with internal roads providing access to each separate parcel and its respective use. The proposal would also provide 2no. for pedestrian and cycle links from the site to the northern boundary, connecting with the existing footway along the southern side of the A417 Leadon Way. Landscaping and other associated works are proposed throughout the site.

Outline

- 2.5 The medical centre is proposed in outline form, with access to be determined and all other matters reserved. The proposed location to the southwest of the site would allow for integration with the wider scheme and provides space for associated infrastructure and landscaping.

3.0 Planning History

- 3.1 201718 - A hybrid application comprising: An application for full planning permission for the erection of a children's day nursery (Use Class D1), food store (Use Class A1), with associated access, landscaping and associated work; and An application for outline planning permission for the erection of a medical centre (Use Class D1), with all matters bar access reserved. Refused 28 January 2021 (APP/W1850/W/21/3279731 – Appeal Dismissed – 21 September 2022).
- 3.2 It is pertinent to note that there have been the material changes in circumstances since the above dismissed the appeal. Principally, these are considered to be as follows; -

- Adoption of Updated Ledbury Neighbourhood Development Plan (NDP) (2023): Since the appeal decision, the Ledbury NDP has been formally adopted and now forms part of the statutory development plan. The application site is specifically allocated under Policy EE1.2, which supports the delivery of sensitive proposals for employment and service-based uses on this land. The policy expressly encourages proposals falling within Use Classes E(e) (medical and health services), E(f) (day nursery), E(g) (offices, research and development, and light industry), and C1 (hotels). This represents a material change in policy status, as the site now benefits from a positive allocation which did not exist at the time of the appeal, and which directly supports some of the components of the current proposal.
- Herefordshire Town Centre and Retail Assessment (September 2022): The Council has since published an updated town centre and retail evidence base, prepared by Nexus Planning, which is considered to provide a robust and up-to-date assessment of retail capacity, need and impact across the county. The assessment identifies both quantitative and qualitative need for additional convenience retail provision in Ledbury, including capacity for a further discount foodstore over the plan period. This updated evidence was not available to the Inspector at the time of the appeal and is considered to be material to the context in which retail impact is assessed, particularly in relation to the scale, resilience and future role of Ledbury town centre.

Since the appeal decision, a substantial quantum of new housing has been permitted and is under construction or completed in Ledbury. This has materially increased the town's population and catchment, reinforcing the conclusions of the updated retail evidence regarding future convenience retail need, and strengthening the case for additional local services and facilities, including healthcare and childcare provision, to support sustainable communities.

- Changes to the Scheme: The current scheme has been revised since the appeal, including a reduction in the net retail floorspace (1,100sqm net retail in contrast to 1,347 sqm net considered previously) resulting in a lower overall turnover and reduced potential retail impact. In addition, the proposal is now supported by a Section 106 mechanism concerning the delivery of the medical centre land at nil consideration, thereby directly responding to one of the Inspector's concerns regarding the uncertainty and weight that could be attributed to the healthcare element of the previous scheme. The details of this mechanism and an explanation as to why it is considered reasonable and proportionate is given later in this report.

4.0 Relevant planning policy

4.1 Herefordshire Local Plan – Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- MT1 - Traffic management, highway safety and promoting active travel
- LB1 - Development in Ledbury
- E5 - Town centres
- E6 - Primary shopping areas and primary and secondary shopping frontages
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green infrastructure
- LD4 - Historic environment and heritage assets
- SC1 - Social and community facilities
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality
- ID1 - Infrastructure

4.2 Ledbury Neighbourhood Development Plan (2023)

- SD1.1 - Ledbury as a self-sustaining community
- SD1.2 - Settlement boundary
- SD1.3 - Sustainable design
- HO2.1 - Reinforcing balanced housing communities
- EE1.2 - Small employment sites within and adjoining the town
- EE3.1 - Protection of shopping frontages and primary shopping area
- EE3.2 - Defined town centre
- BE1.1 - Design
- BE2.1 - Protecting and enhancing heritage assets
- NE1.1 - Protecting and enhancing biodiversity and geodiversity
- NE2.1 - Conserving the landscape and scenic beauty of the parish
- NE2.2 - Protecting important views and the setting of the town
- NE3.1 - Green infrastructure and open space
- NE3.2 - Local green space
- CL1.1 - Community services and facilities
- CL2.1 - Protection of open and green spaces and playing fields
- TR1.1 - Footpaths and cycleways
- TR1.2 - Public realm design requirements

4.3 National Planning Policy Framework

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong, competitive economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

5.0 **Consultation Summary**

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

5.1 **Area Engineer (Local Highway Authority)** – comment

5.1.1 17/7/25 -

1. Bus stop locations are agreed
2. The RSA Stage 1 has been signed off.

Issues which need changing

3. Drawing No. PL02/PL03 shows a hedgerow in the widened footway cycleway
4. The cycle storage location limits the width to the through flow to all of the site. With bikes parked in the bike racks the distance users are able to access the site is less than two metres therefore restricting the access.

If these issues can be changes please condition as follows:-

CAB - Visibility Splays-
CAE - Vehicular access construction
CAJ -Parking - Estates
CAP -Highways Improvement/off site works
CAT - Construction Management plan
CB2 - Secure covered cycle parking provision
CB3 - Travel Plan

I11 – Mud on highway
I09 – Private apparatus within the highway
I45 – Works within the highway
I08 – Section 278 Agreement
I07 – Section 38 Agreement & Drainage details
I47 – Drainage other than via highway system
I41 – Travel plans
I35 – Highways Design Guide and Specification

5.1.2 22/5/25 - I recently held a meeting with Public Transport, Transport Planning, and Councillor Simmons to discuss the proposed bus service provision for the site.

The following requirements have been identified:

1. Bus Stops

A pair of bus stops should be provided adjacent to the nursery site access - one on each side of the carriageway. The proposed design must be supported by a Stage 1 Road Safety Audit (RSA), which should also include the proposed Toucan crossing facilities.

The bus stop should not obstruct or impact the functionality of the shared cycle and pedestrian.

2. Bus Stop Specifications

Final specifications are to be confirmed with the Public Transport team; however, each stop is expected to include the following:

Shelters: One full shelter and one cantilever shelter.

Real-Time Information (RTI): Solar-powered RTI units.

Bus Stop Markings: In accordance with local highway authority standards.

Signage/Flags: Appropriate bus stop signage and flags to be installed.

3. Hedgerow etc

Details should be provided on how much hedgerow needs to be removed/relocated to provide the bus stops.

4. Bus Service Provision

It is currently anticipated that the 232 bus service will serve these proposed stops, however I believe these discussions are ongoing.

Please ensure that these requirements are incorporated into the relevant design and planning documentation going forward.

One final comment to add—though brief, it feels important to mention, it should be noted how concerned Ledbury Town Council are about the relocation of the medical services to the outskirts of Ledbury and the connectivity of the site. The connectivity of the site should not only be just about Lidl, but also the medical centre; therefore, there needs to be a positive move forwards in the bus provision for the whole site.

We just have to be mindful about the previous LHA response, which didn't increase the bus services due to the lack of support by previous Public Transport comments.

- 5.1.3 26/2/25 - The previous application has agreed many issues, however there are several concerns which need to be changed to be acceptable.

Access

The proposed access arrangement requires modification. As shown in the submitted plans, the HGV manoeuvre does not maintain a consistent alignment when negotiating the junction and internal carriageway. To address this, potential adjustments may include relocating the junction further northwest, closer to the Lidl sign, or widening the junction to better accommodate HGV turning movements. Tracking needs to be provided for the altered access.

Pedestrian and cyclist access

The pedestrian and cyclist access into the site requires modification. The proposed access currently accommodates only pedestrians, with widths designed exclusively for pedestrian use. The non motorised accesses into the site appear to be narrow and not very welcoming, one of the aims of the site should be to increase connectivity to the site via means other than a private vehicle. To ensure adequate provision for cyclists, these access routes should be widened to a minimum of 3 metres. The access adjacent to the nursery should also be widened to at least 3 metres to facilitate shared use by pedestrians and cyclists. Links should be provided from the Hawk Rise development into the site to allow Hawk Rise residents to access the site without going via Leadon Way.

Additionally, the proposed Toucan crossing should be relocated further east to align with the existing and improved Public Right of Way (PROW), enhancing connectivity and providing a more direct route into the site. Connections should be provided around the western side of the Full Pitcher roundabout to connect Dymock Road to Ross Road.

Furthermore, the hedgerow along the eastern pedestrian access, which extends past the nursery, should either be removed or reduced in height to maintain visibility and prevent the route from becoming hidden. Good natural surveillance will encourage use.

It is noted that LTN 1/20 has not been used as part of the assessment submitted in the Transport Assessment. Details should be provided on how the proposals align with LTN 1/20.

In accordance with Herefordshire Council (HC) policy, a minimum of 10% of parking spaces must be allocated for disabled users. It is essential that the parking provision across all individual sites complies with this requirement.

The proposed parking for the nursery does not meet the standards set out in the HC Design Guide, which bases its calculations on Gross Floor Space (GFS). The guidance stipulates the need for 45 parking spaces, including 5 designated disabled bays. However, the current proposal provides only 24 spaces, with just 1 allocated for disabled users.

To address this shortfall, the parking provision should be revised to meet the HC Design Guide requirements. Alternatively, further details should be provided on how the nursery intends to manage drop-off and pick-up times to ensure safe and efficient access, minimise congestion, prevent adverse impacts on the local highway network, and avoid additional pressure on existing parking facilities during peak periods.

The submitted documents reference a looped area intended to facilitate drop-off and pick-up. However, given the limited number of parking spaces, there is concern that during peak times this could lead to vehicle stacking, potentially obstructing the other site accesses and affecting the adopted highway.

Further clarification is requested on the operational aspects of the nursery, including whether there are standardised drop-off and pick-up times and how many children are expected to be accommodated during these periods as well as staffing numbers. This information is essential to accurately assess the impact on traffic flow and parking demand.

The cycle parking should be relocated nearer the front of the store to allow for better security and convenience for customers while ensuring easier surveillance and accessibility. The proposed location is located too near the pedestrian access and bikes could easily be removed without noticing. Cycle electric chargers should also look to be provided.

Bus services - To promote sustainable transport and encourage the use of public transport for the site, it is essential to provide well-placed bus stops in close proximity. While existing bus stop facilities serve the area, an additional stop nearer to the site would enhance accessibility and improve service. Engaging with the Public Transport department and local bus providers to provide an extension of the 600 service, which operates around Ledbury, would ensure better connectivity for the site. An assessment of bus stop provision on Leadon way should be undertaken.

Medical centre – As this is an outline application, the specific details regarding the provision and nature of the proposed medical centre have not been defined. The only element under consideration at this stage is access. This site access is shared with the wider development and is therefore addressed alongside the associated applications. However, no details have been provided in regard to the highway impact of the development which is a consideration under access and therefore part of the application.

This issue is further compounded by the lack of detailed information on the intended services within the medical centre—whether it will function as a general practitioner’s surgery, dental practice, or a diagnostic facility similar to the recently proposed centre in Hereford.

Each of these uses would generate varying levels of traffic and associated vehicle movements. Could the applicant provide further clarification on the intended scope and function of the medical centre to enable a more accurate assessment of its potential impact?

Travel plan comments from - Naomi Hailing, Travel Plan Officer:

Upon reviewing the Mixed-Use Site Framework Travel Plan (23-00942/TP/01, October 2024), I note the comment 10.1.3: " This FTP has been prepared to set out the general objectives and methodologies to be implement across the wider mixed-use site. Separate site-specific TPs however will be prepared which the end user of each occupied unit on the site will manage." This

will provide a clearer understanding of what will occur at each business, and I look forward to reviewing each individual plan.

I would request that the site Travel Plan Coordinator join Herefordshire Council's Travel to Work network. It would also be helpful to include how the newsletter will be distributed to staff, ensuring it is available both in hard copy and electronically.

5.2 **Built and Natural Environment Service (Landscape)** – comment;

5.2.1 27/6/25 - I am satisfied that the applicant has addressed my previous comments, and have no objection.

There is no information or statement regarding the other points raised, as I can ascertain. This may be just a case of clarification, or implemented as conditions.

To recap (extract from comments, dated 06/01/2025).

Environmental Colour Assessment

The ECA report is welcomed as part of the design process and signifies a recognition of the setting of the building in the landscape and wider context, particularly in relation to the association with the Malvern Hills National Landscape and the Ledbury NDP, Policy NE2.1B, that states, 'Ensure associated elements such as hard landscape measures, boundary treatment, and building materials and colours are appropriate to the location.'

Addressing the typical Lidl building colour palette of light grey and white as seen in figures 4-6, the applicant has taken the recommendation of the ECA report to select colour based on an objective contextual way. This is supported; however, it would be prudent to ensure samples are provided to complete the final analysis of colours in the landscape/on site as you would expect for a development of this scale. It would be beneficial to see the samples and palette board in relation to the three buildings so that a harmonious comparison can be made. Note: It is recommended to provide matte finishes to reduce reflection and glare (this includes the solar panels).

Note: the palette board could be of similar look and feel as the elevations provided with this application but modified in accordance with the final product supplier.

The ECA report (page 11) suggest that some similar colours can be carried to all buildings within the development to create a uniformity, however I speculate that the roof colour of the Day Nursery could be different (a dark brown) to the Foodstore (dark grey) to signify the more intimate scale of the building in relation to the residential buildings, and appear when looking over Ledbury from Dog Wood Hill (page 13 of the ECA), the roofscape mosaic continued within the development.

Note: The response to material and colour should also take into account landscape elements (furniture, lighting, bollards, signage, and fencing). For example, the 1.8 high Paladin Fencing. This is proposed as dark green. Pending the actual green (not specified), artificial green can contrast against the landscape/building (i.e., around the Day Nursery/along the building frontage along Leadon Way). A black or dark brown (a colour from the suggested Colourways/Developed palette) is recommended.

In terms of the stainless steel landscape elements, a brushed satin finish is visually softer and less reflective and would complement the architectural matte finishes and galvanised finishes.

Recommended condition

Provide samples of external materials (HC reference C13)

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy LD1 of the Herefordshire Local Plan -Core Strategy and the National Planning Policy Framework.

Signage

Request: The external signage is provided on the plans, but there are no elevations or details. This should be provided to ensure they are complimentary to the overall appearance and scale of the development.

5.2.2 6/1/25 - It is understood this application is a hybrid planning application comprising:

1) Outline planning permission for the erection of a medical centre (Use Class E (e)), with access to be determined and all other matters reserved.

Regarding the outline part (1) of the application for the medical centre there is no objection to the access. In terms of the building, the principles of design (material and colour) should reflect that used for the Foodstore and Day Nursery.

2) Full planning permission for the erection of a Day Nursery (Use Class E (f)) and Foodstore (Use Class E (a)) including access, car parking landscaping and associated work; and

Regarding the full planning application there are comments:

Hedgerow along Leadon Way

Leadon Way is an important drive into Ledbury, and the existing hedgerow (with hedgerow trees) lines this drive with greenery and a sense of rural countryside, a feature of the Herefordshire landscape (refer to figure 1). The development retains this hedgerow as it is on the boundary between highways and the applicant site.

However, how will it ultimately look? – This is not defined. Will it be as per figure 1, overgrown, or clipped to a certain height? This is not defined, and there is some concern. There are some Lidl developments (refer to figure 4-6) that opt for a low-level landscape response for most likely visibility reasons. It would be expected for this development that the hedgerow is maintained to a high quality and thus retains a sense of rural distinctiveness and character in accordance with LD1 and SS6, whilst also contributing to biodiversity and green infrastructure, LD2 and LD3, respectively.

One of the concerns is that the representation of the hedgerow on the plan appears to be drawn as it looks in figure 1. Therefore, on the plan, it shows a hedge zone of between 4-6 metres. This representation does not show what it should look like as a managed and healthy hedgerow that I assume will be the case.

The other concern is that the hedgerow shows signs of a hedge neglected (refer to figure 2). It appears that the hedge has been cut at the same time (knuckle effect) at approximately 1.5 metres (as stated in the landscape report) for a long period of time and then let to outgrow (what appears to be 4+ years).

It is not recommended to cut back to the same knuckle height of 1.5 metres, and it is not recommended to leave the hedgerow to outgrow or start trimming at a point of, say, 2.0 metres. There is very good guidance (see below) on how to manage hedgerows (rejuvenation and provide routine management practices).

Note: The principle understanding of managed heights and maintenance regimes for all the boundary treatments should be provided.

For example: Management of existing native hedgerow

'A' shape structure

Trim the hedge to form an 'A' shape, thicker at the base, and narrower at the top. This provides maximum protection for wildlife while allowing light to reach the ground. The overall height to be 3 metres high, with variations to ensure a healthy form. Cut the hedge in intervals of 10-20cm per year (refer to the Peoples Trust for Endangered Species (PTES) recommendations)

Cutting to different lengths, rather than trimming back to the same point, allows hedges to increase in height and width by several centimetres at each cut, encouraging a dense, healthy hedgerow. A 'light touch' approach encourages fruit and biodiversity enhancement.

Leave at least 50% of the hedgerow uncut.

Every year on rotation, leave at least half of the total hedgerow length uncut to increase the amount of pollen, nectar, and berries for birds and insects.

Gapping up

Undertake assessments of the hedgerow to ascertain if gapping up is required and replacement planting will be provided. Aim to enrich and provide a high quality, diverse hedgerow that is both visually interesting and biodiversity enhanced.

Further guidance

Peoples Trust for Endangered Species (PTES)
GOV.UK

Hedge Link

Recommended condition:

A condition with a focus on the hedgerow is requested, with a detailed understanding of the form and management of the hedgerows provided for a period of 5-10 years.

Tree strategy

In general, the tree strategy is accepted; however, there could be further thought on the trees along Leadon Way (and other boundaries) to take into consideration a more natural layout that would reflect the surrounding landscape and also respond to the spaces of the green wall (giving the green wall more light to grow effectively). The current tree layout is at 10 metre centres, similar to figure 5. This appears too wide when compared to the rhythm of spacing found along Leadon Way. Therefore, an indicative suggestion (refer to figure 3) is provided.

Request: Review the tree strategy to create variety along Leadon Way.

Environmental Colour Assessment

The ECA report is welcomed as part of the design process and signifies a recognition of the setting of the building in the landscape and wider context, particularly in relation to the association with the Malvern Hills National Landscape and the Ledbury NDP, Policy NE2.1B, that states, 'Ensure associated elements such as hard landscape measures, boundary treatment, and building materials and colours are appropriate to the location.'

Addressing the typical Lidl building colour palette of light grey and white as seen in figures 4-6, the applicant has taken the recommendation of the ECA report to select colour based on an objective contextual way. This is supported; however, it would be prudent to ensure samples are provided to complete the final analysis of colours in the landscape/on site as you would expect for a development of this scale. It would be beneficial to see the samples and palette board in relation to the three buildings so that a harmonious comparison can be made. Note: It is

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

recommended to provide matte finishes to reduce reflection and glare (this includes the solar panels).

Note: the palette board could be of similar look and feel as the elevations provided with this application but modified in accordance with the final product supplier.

The ECA report (page 11) suggest that some similar colours can be carried to all buildings within the development to create a uniformity, however I speculate that the roof colour of the Day Nursery could be different (a dark brown) to the Foodstore (dark grey) to signify the more intimate scale of the building in relation to the residential buildings, and appear when looking over Ledbury from Dog Wood Hill (page 13 of the ECA), the roofscape mosaic continued within the development.

Note: The response to material and colour should also take into account landscape elements (furniture, lighting, bollards, signage, and fencing). For example, the 1.8 high Paladin Fencing. This is proposed as dark green. Pending the actual green (not specified), artificial green can contrast against the landscape/building (i.e., around the Day Nursery/along the building frontage along Leadon Way). A black or dark brown (a colour from the suggested Colourways/Developed palette) is recommended.

In terms of the stainless steel landscape elements, a brushed satin finish is visually softer and less reflective and would complement the architectural matte finishes and galvanised finishes.

Recommended condition

Provide samples of external materials (HC reference C13)

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy LD1 of the Herefordshire Local Plan -Core Strategy and the National Planning Policy Framework.

Wall

Recommended condition

A condition is requested to provide details of the planting specification and maintenance regime for the life of the building (perpetuity) as the green wall is an integral part of the building façade along Leadon Way.

Reason: It is important to ensure the planting is harmonious and 'natural' in appearance and relates to the overall façade material and colour to ensure that this complies requirements of Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Signage

Request: The external signage is provided on the plans, but not there are no elevations or details. This should be provided to ensure they are complimentary to the overall appearance and scale of the development.

Landscaping

Overall, the landscape proposal and specification provided are comprehensive. With revision as suggested above, this would be acceptable documentation for planning purposes. It is preferred to have this updated rather than conditioned.



Figure 1: Hedgerow along Leadon Way



Figure 2: Existing hedgerow left to grow out, from regularly trimmed height of approximately 1.5 metres.



Figure 3: Create variation in the perimeter tree character (with a variety of species), take into consideration the green walls and actual 'maintained' hedge width. Aim to create a rural character.

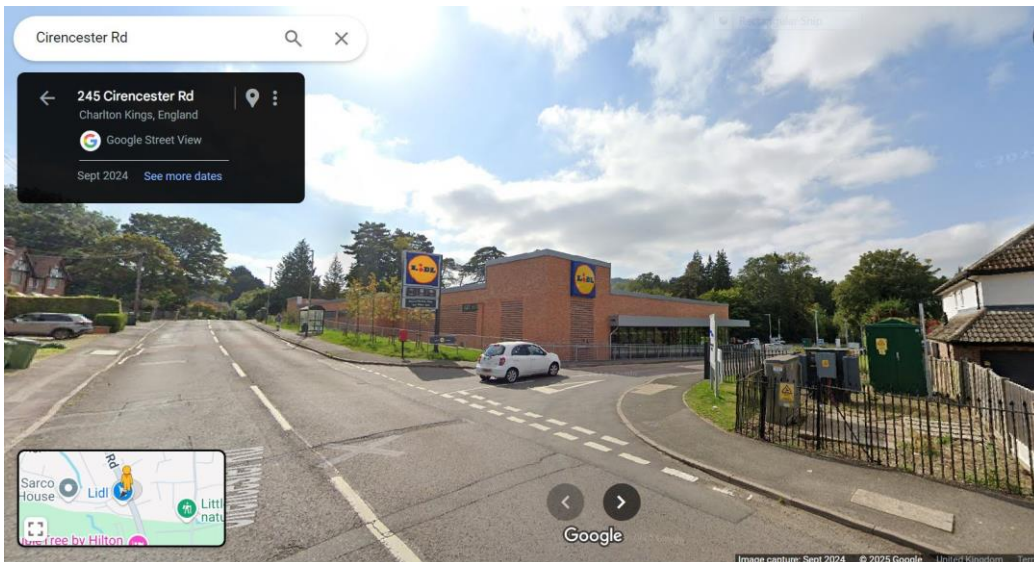


Figure 4: Lidl – Gloucester, September 2024 (Trees relative close with grass understorey)



Figure 5: Lidl – Shrewsbury, May 2024 (Trees at approximately 10 metre centres with grass understorey)



Figure 6: Lidl – Newtown, May 2024 (Trees at approximately 7.5 metre centres with low shrub planting understorey)

5.3 **Built and Natural Environment Service (Ecology)**

5.3.1 13/3/25 - It is noted that statutory Biodiversity Net Gain is proposed a hybrid mix of onsite delivery and addition purchase of offsite habitat Units. As the development is confined to a small area and the full application also directly impacts and supports the proposed outline application element it is expected that prior to any works commencing on the 'full application' or any part of the proposed development the whole BNG solution will be full secured and all relevant offsite habitat units fully secured and purchased. This is all within the required 'discharge of statutory BNG requirements' that must be fully completed prior to any works commencing onsite.

There are records of protected species within 500m of the site, including breeding Great Crested Newts. These are unlikely to access the site in their terrestrial phase due to barriers between ponds and habitats on site. It is relevant and appropriate to secure a Construction Environmental Management Plan as a pre-commencement condition on the 'full' part of the application, with an updated CEMP requested to support the future 'reserved matters' application. The CEMP should fully consider all potential ecological and wider environmental impacts of all works on site. A useful guide for all relevant considerations can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

Habitat Regulations – Construction Environmental Management Plan

No development approved under the full planning permission shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informative: The CEMP should clearly follow best practice guidance such as https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan to ensure all potential wider environmental effects are fully considered.

Habitat Regulations – Construction Environmental Management Plan

No development approved under the outline planning permission or subsequent Reserved Matters application shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informative: The CEMP should clearly follow best practice guidance such as https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan to ensure all potential wider environmental effects are fully considered.

All external and supporting lighting should demonstrate it is fully compliant with all current best practice guidance issued by the Institute of Lighting Professions/Bat Conservation Trust so as to clearly demonstrate it will not increase any existing local illumination levels that helps protect the local dark skies, setting of the Malvern Hills National Landscape and locally present light sensitive nocturnal wildlife – that includes multiple bat species. If considered appropriate a condition to secure a detailed lighting and illumination assessment and lighting specifications should be included as a pre-commencement of development above foundation levels.

5.4 **Built and Natural Environment Service (Archaeology)** – no objection

5.5 **Built and Natural Environment Service (Trees)** – comment;

5.5.1 15/7/25 - Comments: I have reviewed the submitted information in regard to the existing arboricultural resource within the site and have the following comments.

The AIA report (ARBTS – ArbTS_1650.3_Land off Leadon way_22.04.25) identifies at trees on the site and categorises their overall quality. The report highlights tree removals required to implement the proposals which relate to sectional removal of existing hedgerows to allow access as well as 4 other survey items. These were are categorised as low quality (Category C). It is considered that these removals have been mitigated through the proposed landscape plan (Corscadden associates_CA-2024-LDBY-03_RevH_01.12.23). All other arboricultural features will be retained.

I note that the northern hedgerow is proposed to be laid which is positive (highlighted in the hedgerow management plan – 2024-LDY-07-RevB_19.06.25). The submitted amended tree survey plan (2024-LDBY-02-RevC_19.06.25) does indicate that the north hedgerow will be removed (shaded red). This needs to be clarified.

Overall, I have no objection to the proposals as impacts to the existing arboricultural resource is limited. If permission is granted, planning conditions should be imposed to ensure adherence with the approved documents.

5.6 **Environmental Health (Noise)**

5.6.1 7/5/25 - I note comments made regarding noise impacts on the nursery and agree that, given the assessment made and points addressed, this could be dealt with by way of condition re adherence to BS93 criteria. It should be noted that 55dB LAeq,T is the max desirable level set by the WHO for external amenity areas. Also, the max permissible internal noise limit for teaching space set out in BS93 is 35 dBA. By combining this with a 15 dBA sound insulation for an open window, external noise levels should not exceed 50 dB LAeq.

Therefore, natural ventilation cannot be relied on, and an alternative ventilation strategy will be required.

I would suggest that conditions cover the following:

The performance requirements for all teaching spaces within this development are to be in accordance with the targets set out in BS93.

A ventilation strategy is to be provided to set out how adequate ventilation is to be achieved while achieving compliance with internal noise criteria outlined in BS93.

A condition to cover the installation of a solid boundary fence of at least 3 metres high between the food store and nursery.

Medical centre:

Agree that can be dealt with further down the line (though design phase – HTM 08-01Acoustics) but thought it prudent to raise at this stage.

- 5.6.2 20/4/25 - The applicant has supplied a noise impact assessment, dated 3rd April 2024 - ref.InAcoustic 23-601-2, which considers the noise impacts from the proposed Lidl store, nursery and medical centre on nearby sensitive receptors. Noise impacts on site (to nursery and medical centre) have not been specifically assessed in this report.

Food store external plant has been assessed in accordance with BS4142* and found to generate 'low impact' during the day and night time at the nearest sensitive receptors. Deliveries to the store have also been found to produce levels no higher than 'low impact'.

As other external plant on site is yet to be determined, noise limits have been set at 10dB below background to safeguard residential amenity. This limit applies to the cumulative impact of all plant on site at the nearest residential receptors.

Noise from the use of the nursery has been assessed based on a similar operational facility and deemed to constitute a 'low impact'. In the absence of any specific guidance on assessing noise from children using external amenity space, BS4142* has been used.

I do have concerns that neither road traffic noise nor plant and delivery noise have been assessed in terms of impact on the occupants of the proposed nursery (both inside the nursery and outside in the play areas), or the medical centre. This was assessed in a previous noise impact assessment and mitigation suggested.

Therefore, I would suggest that the noise impact assessment is revised to include consideration of the impact of noise from both road traffic and food store plant and delivery on the operational use of the nursery (internal and external) and medical centre. If mitigation is required, this should be included within the report. The revised assessment and any proposed mitigation measures will need to be agreed in writing by the LPA prior to works commencing on site.

Noise impact on the nursery should be assessed in accordance with BS93 'Acoustic design of schools: performance standards'.

Ventilation will also need to be addressed and therefore, in addition to the above, I suggest that the following condition it added to any permission granted:

Prior to the commencement of works on site, the applicant is required to supply a ventilation strategy for the nursery. This must set out how adequate ventilation is to be achieved while achieving compliance with the internal ambient noise criteria in current version of Building Bulletin 93 'Acoustic design of schools: performance standards'.

Reason: In order to protect the amenity of the area and that of future site users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

*BS4142:2014+A1(2019) 'Methods for rating and assessing industrial and commercial sound'.

5.7 **Environmental Health (Air Quality)** – comment

5.7.1 13/5/25 - Thank you for the information

On the basis of the response below, it appears that reasonable explanation has been made regarding committed developments from an air quality perspective.

Please note that the highways/traffic team are the specialists in reviewing traffic data. In the absence of any concerns being raised from the highways/ transport department regarding traffic assessment/ trip numbers, I have no further concern

5.7.2 16/1/25 - I refer to the above application and I would make the following comments in relation to air quality.

The application comprises of a supermarket, medical centre and nursery. The site is an existing greenfield site. The proposed uses will generate a significant number of car journeys and some HDV's mainly for deliveries to the supermarket.

Where increased vehicle movements are predicted, it is likely that there will be increased emissions associated with vehicle exhausts, namely Nitrogen dioxide and fine particulates (PM10/PM2.5).

To determine the potential impacts on air quality an air quality assessment has been submitted with the application.

Transport Assessment

The transport assessment prepared by Corun Associates estimates the number of trips that are likely to be generated as a result of the proposed development. This data was then used within in the Air Quality Assessment (AQA).

At the time of writing, the Transport Assessment has not been reviewed by Herefordshire Council Transport Team. Should significant changes be made to the transport data in terms of trip generation, the AQA may need to be reviewed and amended where necessary.

Air Quality assessment

An air quality assessment was prepared by SLR Consulting Ltd dated 26th July 2024. The report assessed;

- the potential impact of dust emissions during the construction phase on surrounding receptors (including PM10).
- the potential impact that the proposed development would have on air quality from increased traffic emissions around the development site and in locations where traffic movement is predicted to increase. Pollutants that were assessed where Nitrogen dioxide, PM10 and PM2.5.

The air quality assessment was modelled using the baseline year of 2023 and the opening year 2025.

It is not clear if committed development was included in the air quality assessment. The inclusion of committed developments is required to understand the cumulative impact of development on air quality. It was agreed with the air quality consultant that committed development should be included during prior to the assessment being undertaken.

Diffusion tube monitoring for Nitrogen dioxide (NO₂) was undertaken to verify the model. The monitoring locations and air quality assessment methodology were agreed prior to commencement of the monitoring.

The results of the air quality assessment modelling did not predict any exceedances of the air quality objectives of Nitrogen dioxide and fine particulates at sensitive receptor locations. The highest modelled predicted value of NO₂ was 23.0 ug/m³, with the objective level at 40 mg/m³. PM 10 and PM 2.5 were predicted to be that 50 % of the relevant air quality objective.

All changes to NO₂, PM10 and PM2.5 as result of the development where predicted to be negligible using the Institute of Air Quality Management (IAQM) descriptors.

Dust from Construction Phase

In accordance with IAQM guidance, dust soiling risks were considered to be medium in relation to people and property and low to human health.

The dust assessment found that where effective dust mitigation measures are implemented, dust effects on nearby receptors were considered to be not significant.

Conclusions

The detailed air quality assessment did not identify any likely exceedances of Air Quality Objectives as a result of the proposed development. Therefore, have I no adverse comments to make regarding air quality, in relation to the proposed development.

However, clarification is required from the applicant regarding whether committed developments are included within the traffic assessment and air quality assessment to ensure that cumulative impacts are considered.

5.8 **Public Rights of Way Team** – no objection.

5.9 **Economic Development Team** – comment

5.9.1 22/8/2025 – In light of the additional information and further responses made on planning application number 242783, the Economic Development Team would like to update our response to reflect this, and whilst our response is still supportive of the overall application, we wish to amend our comments on the healthcare from supportive, to neutral.

Whilst reviewing our original response, I noted a typo with respect to the use classes we referred, so can I also take the opportunity to update the fourth paragraph which started with This planning application is also in line with Policy EE1.2 and replace with....

Sensitive proposals for employment or services falling within Use Classes E(e), E(f) and E(g), and hotels within Use Class C1 will be encouraged on land amounting to 1.6 hectares opposite the Full Pitcher and east of Dymock Road, identified on the Ledbury Town Policies Map (Map 11).

5.9.2 18/2/2025 - Alongside the buildings there would also be “significant” landscaping and tree planting, as well as electric car charging points and cycle parking. The site is near bus stops, which will help ensure residents are able to access the site by cycle or bus”.

The Economic Development Team supports this planning application which will create 40 jobs, which is in line with Policy E1 - Employment Provision which states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment building to meet the needs of the local economy.

This planning application is also in line with Policy EE1.2 (Small Employment Sites Within and Adjoining the Town) which states ‘Sensitive proposals for employment or services falling within Use Class E(e) medical services and Class E(f) a nursery. Likewise, the policy includes other uses e.g. retail/foodstore.

From an economic development perspective, this application presents an opportunity to invigorate the local economy and enhance the overall quality of life for residents, by expanding the provision of childcare, medical services and retail in the local area.

Economic Impact Assessment

Job Creation and Workforce Developments:

The proposed food store is projected to create a substantial number of job opportunities, not only during the construction phase, but also upon its completion. This development will likely result in the hiring of various positions, from entry-level roles to managerial and specialised positions. By supporting a diverse range of employment opportunities, we can engage local residents, thereby reducing unemployment rates and increasing household income levels within the community.

Increased Local Economic Activities:

With the establishment of a new food store, there will be an anticipated increase in foot traffic in the area. This influx will encourage additional patronage of nearby businesses, potentially leading to a multiplier effect that stimulates the local economy. Increased local spending can significantly enhance the viability of existing businesses, attracting further investment in the region and fostering a diverse economic ecosystem.

Support for Small and Local Businesses:

A new food store contributes to a more competitive retail environment, which can benefit smaller local businesses by driving greater overall demand for local goods and services. The increased consumer choice will foster innovation and improvement in customer service standards across the board.

Diversification of Services:

The inclusion of a day nursery and medical centre, alongside the food store, is particularly crucial for economic development. Access to quality childcare services is a key factor in attracting and retaining families in the area, positively impacting workforce participation rates. Additionally, the medical centre will enhance the appeal of Ledbury as a place to live and work, ensuring that residents have access to necessary healthcare services without traveling significant distances.

Economic Resilience and Sustainability

Sustainable Growth:

This development is aligned with strategic goals for sustainable economic growth within Ledbury. By creating a mixed-use site that combines retail, childcare and healthcare will help to promote a more resilient local economy. It ensures that essential services are available locally, which can mitigate economic shocks and enhance the community's overall stability.

Attracting New Residents:

The availability of essential services such as childcare and healthcare can make Ledbury more attractive to new residents and businesses. As families seek communities with comprehensive amenities, the proposed development can position Ledbury as an appealing destination for prospective homeowners and businesses looking to relocate.

Potential for Future Developments:

The introduction of these facilities can act as a catalyst for further economic development initiatives in the area. Success in this project could pave the way for additional investments in infrastructure, housing, and community services, creating a virtuous cycle of growth and enhancement for Ledbury's economy.

In summary, planning application PP-13488832 represents a strategic investment in the economic future of Ledbury. The proposed food store, day nursery, and medical centre are not merely additions to the landscape; they are essential components of a thriving economic ecosystem that will improve residents' quality of life, while fostering community resilience and economic vitality.

- 5.9.3 N.B – With regards to the above comments raised by the Economic Development Team concerning accordance with development plan policy – specifically Policy EE1.2 of the Ledbury NDP, the planning officer's assessment of such is set out in Section 7.0 of this report. Members

should consider that assessment, which makes clear that the composition of uses proposed does not align fully with policy EE1.2 of the Ledbury NDP.

5.10 **Land Drainage (Lead Local Flood Authority)** – comment;

5.10.1 24/3/25 - In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Submission of detailed drainage design drawings/construction plans for both the proposed surface and foul water drainage systems. The foul drainage design will need to be developed in conjunction with Severn Trent Water.
- Confirmation of acceptance of the proposed surface water discharge to the public surface water sewer from Severn Trent.
- Confirmation of the proposed adoption arrangements in line with the above advice

The full comments are accessible via the Herefordshire Council website.

5.11 **Retail Planning Consultant (Nexus Planning)** – Herefordshire Council has utilised the services of experienced expert Retail Planning consultants to provide retail advice on the current application. Their iterative comments of September 2023 are contained at **Appendix 1(a-c)** of this report.

5.12 **Welsh Water** – comment

5.12.1 2/1/25 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

Dwr Cymru Welsh Water does not provide sewerage services in this area and therefore have no comment to make with regards to foul flows.

WATER SUPPLY

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

5.13 **Severn Trent** – comment;

5.13.1 8/1/25 - With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable

satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building

5.14 **Hereford and Gloucester Canal** – no response.

5.15 **Herefordshire and Worcestershire Integrated Care Board** – comment;

5.15.1 **23/2/25** - Our response to the above consultation is as follows:

Currently, Ledbury Health Partnership is the sole GP practice in Ledbury and they occupy 3 buildings in the town. All sites have leasing arrangements that are coming to an end over the next 2 to 3 years and the ICB is working with the practice to explore options for the provision of sustainable premises for the future.

The current planning application, if approved, will provide an additional option that can be explored as part of the appraisal process – however this would be subject to being able to secure additional revenue and capital investment.

6.0 Representations

6.1 **Ledbury Town Council**

6.1.1 **10/3/25** –

A Ledbury Town Council response taking into account the policies of the Ledbury Neighbourhood Development Plan 2021- 2031 which was adopted in June 2023.

The text includes only relevant extracts from the Local Plan and NDP to put its responses into context. LTC acknowledges the local enthusiasm for aspects of this application, but LTC and planners have to base decisions on policy and evidence.

LTC considers that the planning authority's decision that the applicant's previous proposals for the development of this site (P201718) would cause harm to the town centre and its economy - which was upheld at appeal - also applies to this new application, and for similar reasons.

Viability and Vitality of the Town Centre

Herefordshire Council updated its Town Centre and Retail Assessment (Herefordshire Town Centre and Retail Assessment September 2022) in 2022.

The assessment suggests that Ledbury may need a minimum of 900m² convenience retail space at 2041. However, this proposal intends providing that scale of additional retail space at least 15 years sooner.

The assessment shows significant decline in comparison goods turnover in Ledbury over the past 10 years – even when compared just to other town centres in the county. Conversely, with the opening of the Aldi store, the town is retaining 91% of its catchment convenience goods market share.

This indicates that there is very little retail leakage in this market sector for a new discount food retailer to claw back. Meaning that the applicant's convenience goods turnover – underestimated (based on trading figures quoted in the Herefordshire Council 2022 assessment for existing discount food retailers elsewhere in the county) at £8.2m p.a. across 880m² of floorspace – will inevitably be removed from the town's existing convenience goods retailers. These include the edge of town supermarkets (Tesco & Coop) which currently do contribute positively to linked trips on foot to the town centre in a way which the proposed out-of-town development will not.

The applicant proposes 20% of their retail floorspace (220m²) to be dedicated to a continuously changing mix of comparison goods which will compete with many of the independent comparison retailers in the town centre.

The recent change of use permission for the current Homebase premises to become a HomeBargains has increased the approved convenience and comparison retail area on another out-of-town site. The impact of this permission in taking account of the assessed retail growth potential needs to be carefully considered.

The proposed medical centre will further detract from town centre footfall, were it to go ahead. The Ledbury NDP states that it is preferred for healthcare services to continue to be accessed in the town centre.

Policy E5 of the Local Plan states development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test have been met (set out in the NPPF) and that the proposal would not have a significant adverse impact on the vitality and viability of the centres.

Policy LB1 states that: "Within Ledbury, new development proposals will be encouraged where they:

(2) maintain and enhance the vitality and viability of the existing town centre. Proposals for new retail, leisure or office development of over 400m² in gross floor space and located outside the town centre will need to be supported by an impact assessment to determine whether there could be any adverse impacts on the town centre;

(3) improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre;

The application is not in conformity with Local Plan Policy E5 and LB1-2&3.

Although the retail element of the development is below the size triggering an independent retail impact assessment, according to the NPPF, LTC requests that such an assessment is commissioned by the Planning Authority in this case. Especially given the scale of the development with regard to the timing of the assessed likely future need.

Sequential Testing

The Town Council acknowledges that sequential testing is mentioned by the applicant for the following sites: Recreation Ground, Ledbury Park, Bye Street Car Park. Previous supermarket applications in the town have been required to include the existing edge of town centre supermarkets of Tesco and Coop in the sequential site testing. The Town Council is unclear why this has not also been the case for this application. Especially given the data provided regarding the level of under-trading by the Coop store which has only received investment in signage and minor cosmetic improvements over the last 10 years by its operator.

Site Access and Induced Vehicle Movements

The Town Council is concerned that the proposed access to the site is not adequate with regard to its positioning with respect to the blind summit on the Dymock Road, with regard to sight lines for vehicles exiting the development and in the light of the significant underestimation of vehicle movements as a consequence of the three developments on-site: Lidl discount foodstore, Healthcare centre, Children's Nursery.

The Herefordshire Council Retail Assessment (2022) estimates the turnover by floorspace of supermarkets across the county on the same basis for Aldi and Lidl as is used for the other supermarket retailers. This approach is unsound, and is borne out by the comments in Lidl's own retail assessment (<https://myaccount.herefordshire.gov.uk/documents?id=8cddb62-b872-11ef-9089-005056ab11cd>) which states (para 3.1.2) that in 2008 the Competition Commission in its Groceries Market Investigation Final Report made it clear that Lidl, Aldi and Netto – collectively referred to as Limited Assortment Discounters (LADs), traded under very different business models which did not bear direct comparison to the main grocer supermarkets trading in the UK.

This is also demonstrated in the Herefordshire Council Retail Assessment (para 8.49-50) that the 5 LADs in the county have a benchmark turnover of £45.8m against an estimated survey derived turnover of £116.5m. Meaning that, on average, they are each overtrading by more than 250% compared to their originally expected turnover and against their grocer competitor supermarkets.

The reality of this overtrading is reflected in a much higher number of vehicle movements, which LTC do not believe are adequately reflected in the documentation supporting the application. LTC is concerned to ensure that the impact of the likely induced traffic on the local network is fully considered.

LTC is also concerned that there are presently no direct links proposed for footpaths and cycleways between the Barratt and Bovis/Vistry developments to the East of the proposed development, and that residents from these locations will be required to access the site via paths running adjacent to the very busy Leadon Way.

This is contrary to the requirements of the Local Plan and the Ledbury NDP for sustainable travel options and good connectivity to active travel networks.

S106 – Public Transport and Improvements to the Town Centre Public Realm

LTC are concerned to ensure that suitable contributions are obtained to secure sustained public transport links between this development, the town centre and significant residential areas of the town.

Significant S106 contributions (£110,000) were made by Aldi to improvements to the Public Realm in the town centre to assist in offsetting the impact on town centre footfall, vitality and viability as a consequence of that out of town discount foodstore development.

If this development were to be granted planning permission, LTC would be expecting planners to be requiring a similar scale of S106 monies for further public realm improvements for the same reasons. Such improvements could include, but are not limited to:

- Resurfacing, planting, improved lighting, demountable bollards and improved car park layout in St Katherine's Car Park
- Replacement of grit paths around the Masters House to provide all weather surfaces which enhance the visitor experience and do not damage the interior flooring of local heritage buildings
- Public Conveniences at the Recreation Ground and Queen's Walk access point to the Town Trail.
- Improved paving, pavement widening, shared space schemes and reduced level changes in the town centre to improve accessibility and safety for visitors.

Surface Water Handling

LTC is concerned to see that, as a consequence of this currently 100% infiltration draining site becoming almost 100% impermeable under the proposed development plans, the handling of surface water drainage is proposed to be via subsurface attenuation tanks scaled to a 1 in 100yr rainfall event +45% climate change allowance and draining at an assumed green field drainage rate of 5.8l/s into the public sewer.

It is evident from local experience in recent years, that even 100% grass covered fields are being overwhelmed with the increasing scale and intensity of heavy rainfall events which are then causing run-off onto the highway. In addition, the operation of the Barratts site has shown that the existing grey water handling infrastructure is unable to handle even the attenuated run-off rates from just the development to the south of Leadon Way that has so far taken place – let alone that given permission to come forward. And that is without this application site being developed at all.

LTC fear the benchmarks currently set for drainage provision are inadequate to cope with the reality of current and future rainfall events and that a 1 in 1,000 year provision for the handling of surface water for this development at the bottom of a significant incline which is already entirely slated for development, should be applied as an appropriately prudent measure.

In addition, that the proposal for handling surface water via sub-surface attenuation tanks is closely reviewed by officers as regards scale and suitability, and conditions applied that ensure permanent, proactive management and maintenance of the system is assured.

Ledbury NDP

LTC is concerned, that as stated in the planning policy comment sections, the application does not adequately address the Visions elements 1,7 and 8 (critically and especially) of the Ledbury NDP.

1. Preserve and Develop Prosperity As a prosperous market town, Ledbury will continue to be a vibrant, thriving community, both socially and economically, with an attractive, well managed and safe built environment in sympathy with the surrounding natural landscape. The town will continue to be a popular destination as an attractive place to shop for residents, the local rural community and visitors, with a successful tourist industry celebrating the town's heritage.

7. Preserve Environment Ledbury will have a defined settlement boundary which respects the constraints of topography, and protects and conserves Malvern Hills AONB, the River Leadon and its Riverside Park, and land to the south-west that meets present and future recreation needs. Sustainable transport options such as walking and cycling, will be encouraged and public transport and disabled access provisions enhanced in priority over vehicular traffic.

Easy footpath network access to the surrounding countryside and beyond will be improved and maintained. The Malvern Hills AONB is the backdrop to the town and all development will be complementary to the landscape and the views. Design sensitivity and sustainability is given a high priority in all forms of development.

Green space will be protected, biodiversity networks strengthened, and geodiversity preserved while the town's relationship with the open countryside will be strengthened through the prioritised use of urban trees, landscaping and decorative planting throughout all developments. Natural assets will be maintained and enhanced to mitigate and adapt to climate change. There will be the opportunity to create local green corridors and enhancement zones under a green infrastructure strategy for Ledbury and its surroundings. This will include a 'green corridor' along the safeguarded route of the projected Gloucester and Hereford canal reinstatement, largely following the route of the River Leadon.

8. Nurture the Town Centre Ledbury's role as a prosperous market town with a diverse economy, including a burgeoning tourist industry, will be protected and enhanced, while the heritage of the town will be preserved and celebrated. The town will cherish and nurture its vibrant retail core and grow its reputation for markets and festivals. Traders will be encouraged to provide a wide range of products, in order to enhance the standing of Ledbury as a prime visitor destination. Increasing sustainability within the town will mean that Ledbury steadily gains the reputation for being a 'Green Town'.

Although LTC acknowledges that the applicant has satisfactorily covered perhaps the majority of the sustainable design requirements, the council is not convinced these are all sufficiently reflected in the application, particularly requirements b, d, e, f and g.

b) Seeking on-site measures that support energy conservation such as through tree planting and other forms of green infrastructure to provide shade and shelter, where this does not cancel solar gain.

d) Minimising the use of artificial light to limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation, and to reduce energy consumption.

e) Enabling a sustainable drainage system, including where this would increase resilience to buildings, infrastructure, and businesses at risk of increased flooding; promote biodiversity; improve water quality; and enhance amenity. The maximum use of permeable surfaces is encouraged.

f) Reducing the carbon intensity of development proposals (embodied carbon⁸), minimising construction traffic and reducing waste.

g) Supporting proposals that utilise construction materials produced as locally as possible, minimising travel distances.

As shown on Map 6 of the NDP, this application site sits squarely in the Herefordshire Council's Green Infrastructure Strategy for Local Strategic Corridors (LSCs) and Local Enhancement Zones (LEZs) for Ledbury. Appendix 2 of the HC strategy defines objectives for these corridors and zones, including for additional areas identified through further analysis and supported by the local community.

These are delivered by the NDP and supported by a very comprehensive 300-page Ledbury NDP Landscape & Visual Baseline Assessment Report January 2022 providing the evidence for stipulating these zones and their enhancement in the NDP. All the policies shown above have relevance to planning applications which affect these corridors.

The site is central to LedLSC2 of the strategy, as enhanced in the NDP; central to LedLEZ2 as enhanced in the NDP; and adjacent to a new LedLEZ4. As such it is one of the key focal points for ensuring continuity of the corridors for wildlife benefits across the NDP domain.

Although LTC acknowledges that the application does a great deal to reflect environmental planning requirements, it simply fails recognise or address the strategic implications and significance of the corridors in any way and does not show how the development will satisfy the relevant policies or the corridor objectives in the Local Plan.

Conclusion

LTC remains concerned at the likely impact this development will have on the town centre, both in terms of retail impact and in terms of reduced overall footfall. The council requests an independent retail impact assessment be commissioned to assess the impact of recent retail permissions and the likely impact of the proposed development.

A significant S106 contribution to town centre and public realm enhancements to mitigate the impact of the development would be required if the development were to be approved.

The council recognises that the ICB and local healthcare providers are slow in addressing the need for increased healthcare provision in the town to match and meet the needs of residents as the significant housing extensions become built out. However, an out-of-town location for those services is incompatible with the NDP.

A significant S106 contribution to town centre healthcare provision would be welcomed.

Additional nursery provision in the town is welcomed.

Site access and connectivity to walking/cycling and public transport networks is wholly inadequate. Induced traffic is significantly underestimated (as is likely turnover and consequent retail impact).

The approach to the handling of surface water may be inadequate to meet the need induced by the scale of impermeable surface area on-site and requires more detailed consideration

6.2 Pixley Parish Council – support

6.2.1 25/1/25 - Whilst the above application does not fall directly within this Parish's remit Ledbury is our residents shopping and health primary resource, (neither of which exist within our Parish), and therefore we would wish to make the following comments.

Additional shopping services, particularly with good car parking improves choice and competitiveness for consumers plus the proposed location allows for easy access from our Parish and the surrounding areas.

The Parish Council strongly supports the need for improved Community Health Services in the area. The current provision does not meet the needs of a growing population with many of our residents currently having to travel 20-30 minutes to Fownhope, therefore we welcome the proposal for a health centre in Ledbury in addition to the existing services. The proposed location and car parking again allows for easy access from our Parish and the surrounding areas.

The Parish Council accept that at this stage it can only be outline approval, as full approval can only be sought once the detailed plans have been agreed in accordance with NHS specifications. Outline approval is an essential first step in the process.

Therefore, the Parish Council strongly supports the above planning application.

6.3 **Site Notices / Press**

6.3.1 21 representations received in objection to the application. The comments can be summarised as follows;

- Lidl would divert trade from Ledbury High Street, threatening independents, anchor stores (Tesco, Co-op), and town centre vitality.
- Out-of-centre foodstores historically harm market towns; this repeats national patterns.
- Previous 2022 appeal for the same site was dismissed for identical reasons; no material change since.
- Vacancy rates are rising (9.3% to 11%); loss of independents risks decline, antisocial behaviour, and an irreversible hollowing-out.
- Profits would leave the local economy (Lidl HQ in Germany), unlike local independents.
- Conflicts with LNDP Policy EE3.2 and Core Strategy Policy E5, plus NPPF para 95 impact test
- Site allocated for employment land (Class E(e), (f), (g)), not food retail.
- Application therefore conflicts with local plan policy, Ledbury NDP, and Herefordshire Council's Climate Emergency commitments.
- Ledbury NDP vision explicitly seeks to nurture the town centre, protect heritage, and support independents.
- Economic Development support for jobs ignores offsetting job losses elsewhere.
- Proposed health centre is outline only, with no NHS funding or staffing guarantees; risk it is a "sweetener" that may not materialise.
- Possible replacement, not addition, to the existing centrally located Market Surgery -less accessible for elderly and less mobile residents.
- Lack of patient consultation; data from Market Surgery should inform needs assessment.
- Alternative suggested: relocate fire station and repurpose current town-centre site for healthcare.
- Nursery location problematic (beside busy road and plant room), exposing children to air/noise pollution.
- Community facilities would be better sited in the town centre to allow linked trips (e.g., chemists)
- Site reliant on car use; public transport is limited/unreliable.
- Active travel connectivity poor: Town Trail degraded, busy roads unsafe, key direct link to Hawk Rise estate missing.
- Cycling provision inadequate: shared paths where segregation is needed, poorly located/insufficient cycle parking.
- Proposed toucan crossing may worsen congestion; wider active travel improvements absent.
- Narrow B-road access unsuitable for increased traffic volumes.
- Significant increase in traffic poses risks to pedestrians (children, elderly, cyclists) and adds congestion near care homes and residences.
- Unrestricted HGV delivery hours raise concerns over noise, light pollution, and safety, replicating problems with nearby industrial uses.
- Inconsistent with earlier refusal of Hawk Rise housing due to proximity to industry and amenity impacts.
- 78% of site hardstanding increases surface water runoff; flood risk assessments outdated (pre-Autumn 2024 flooding).
- Pollution risk to River Leadon from additional impermeable surfaces.
- Landscaping/hedgerow management concerns, referencing poor maintenance on Dymock Road.

- Ledbury already has three supermarkets (incl. Aldi within 500m); no unmet need demonstrated.
- New Home Bargains store recently approved; cumulative impacts on town centre underestimated.
- Objectors note Sainsbury's/Waitrose/Asda would provide broader choice without same level of duplication.
- Economic decline for independents outweighs claimed 40 job creation at Lidl.
- Hotel or small business uses (as per NDP) would better align with town's needs.

6.3.2 39 representations received in support to the application. The comments can be summarised as follows;

- Ledbury's population is growing rapidly from new housing; existing GP facilities are already at or beyond capacity.
- Current single surgery suffers from long waits, split services across multiple sites, and limited parking, creating inefficiencies and access difficulties.
- Lack of space restricts recruitment, training of new GPs, and expansion of services.
- A purpose-built facility would consolidate care, expand capacity, and support sustainable healthcare.
- The lease on the current practice is nearing expiry, adding urgency.
- Ambiguity remains whether the proposed centre supplements or replaces the existing surgery; replacement would reduce accessibility for elderly town-centre residents.
- Healthcare must be delivered alongside improvements to transport and pharmacy provision.
- Pharmacies are overwhelmed (prescription waits now up to 7–10 days); a new dispensing chemist is required, ideally integrated with the new centre or supermarket.
- Public transport to the site is inadequate; reliance on overstretched community transport is unsustainable. Hopper bus service suggested.
- Proponents argue another supermarket is needed due to overcrowding at Aldi, with little evidence of harm to small shops from its presence.
- Location by new housing estates may reduce town-centre traffic, with access largely via bypass.
- Job creation and infrastructure investment seen as benefits for new residents.
- Solar panels on the supermarket and nursery welcomed; concern raised that the T-shaped medical centre design may reduce efficiency—recommend design adjustment.
- Strong recognition of critical healthcare need and imbalance between new housing growth and inadequate infrastructure.
- Support expressed for the Lidl scheme insofar as it delivers a well-located, purpose-built medical centre with adequate parking and integrated services
- Council urged not to miss this opportunity to provide essential facilities for community wellbeing and long-term sustainability.

6.3.3 Six representations received neither in support or objection to the application. The comments can be summarised as follows;

- Doubts over extent of proposed green infrastructure and adequacy of screening.
- Lack of wildflower grass areas and small trees in the supermarket car park.
- Concern about light pollution, especially near residential areas and care home.
- Question over hedgerows being evergreen or deciduous, and their effectiveness in winter.
- Protection needed for existing bat boxes at Hawks Rise open space.
- Flood issues already present at the northern site/Full Pitcher roundabout.
- Access should be taken from A417 Leadon Way, not Dymock Road.
- Proposed toucan crossing is too close to the roundabout, with potential safety/traffic impacts.
- A pedestrian link should be provided from Hawks Rise estate.
- Concerns over construction and delivery traffic affecting neighbouring residential areas.

- 88% of residents want the medical centre to remain in the town centre.
- Uncertainty whether the facility is an additional centre or a replacement; poor location if the latter.
- No detailed application submitted for the health centre; concern it may be a token gesture.
- Risk that if details don't come forward, the facility won't materialise.
- Nursery ownership unclear; location next to A417 raises safety and noise concerns.
- Care home residents could be disturbed by nursery activity
- A foodstore is seen as needed, but scale questioned; submission underplays importance of Co-op and Tesco for town centre vitality and parking.
- Design and Access Statement mistakenly references Planning Policy Wales, not local policy context.
- Rapid EV charging points should be sited safely, away from flammable surroundings.
- Measures needed to prevent pedestrians cutting through Hawks Rise open space.

6.4 Since the previous Committee meeting on 3 September 2025, three further letters of representation have been received, including two made on behalf of Tesco Stores Ltd. The comments can be summarised as follows:

- Overdevelopment of an unnecessary supermarket will harm Ledbury's heritage and local character, driving business away from independent traders and impacting the town centre.
- Detrimental impact on the landscape; the site is greenfield, surrounded by disused commercial units, with recent greenfield development in Ledbury lacking matching infrastructure.
- Concerns about use of greenfield land versus repurposing empty brownfield sites.
- Negative impact on neighbours, especially a care home opposite the site, due to increased noise, disturbance, and traffic; lower New Street is already congested.
- The development is overbearing and out of scale; three existing supermarkets are underused, so another is not needed.
- Lack of provision for an NHS GP surgery or clinic, which is needed; only a private facility is proposed, not accessible to most residents.
- Other sites in Ledbury could be better used for health centre and nursery.
- Environmental concerns: the nearby pumping station frequently fails, causing disruption and pollution; further development will worsen these issues.
- Inadequate infrastructure and traffic control; busy roundabout and worsening drainage issues since recent developments.
- Questions raised about compliance with local and national planning policies.
- Section 106 infrastructure requests: overhaul drainage and pumping station, build medical facility before supermarket, new parking for football ground, EV charging points, complete tarmac for Platinum Way, and finish Ledbury trail/public footpaths following recent developments.

Additional points from Tesco's planning consultants (MRPP):

- Updated retail impact assessment shows a further increase in predicted impact on Ledbury town centre, compounding previously accepted risks.
- Significant adverse impact on independent retailers (-8.8%) and anchor stores (Tesco -16.8%, Co-op -11.8%), threatening the town centre's vitality and viability
- The proposal conflicts with Policy E5 of the Core Strategy and Policy EE3.2 of the Ledbury Neighbourhood Development Plan, which require refusal where there is significant adverse impact.
- The medical centre obligation in the draft Section 106 agreement is speculative, with no evidence of demand or commitment from a provider.pdf).

- The site for the medical centre is poorly located for community access; no sequential assessment has been carried out as required.pdf).
- Delivery of the medical centre is not secured; obligation is deferred and may never be realised, making it unenforceable.
- The foodstore could open without the medical facility ever being delivered; the obligation cannot be given material weight.pdf).
- Incorrect site plan reference in the draft agreement creates legal uncertainty.pdf).
- Unless the Section 106 agreement is amended to secure delivery and correct errors, it cannot be relied upon; overall, the retail proposal is unacceptable and the medical facility location has not been properly assessed.

6.5 In response to the additional representations received as summarised in 6.3, the applicant has provided a detailed rebuttal, supported by a tabulated response cross-referencing the Committee report. This confirms that the cumulative retail impact has been independently assessed as part of the Local Planning Authority's consideration of the application and found not to be significantly adverse. The full assessment and consideration of all representations received is set out within Section 7 (Officer Appraisal) below.

7.0 OFFICER APPRAISAL

Principle of development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Herefordshire Local Plan – Core Strategy (2011–2031) (Core Strategy) and the Ledbury Neighbourhood Development Plan (2023) (NDP). The National Planning Policy Framework 2024 (NPPF) is a material consideration in decision-making.
- 7.2 As a starting point, notwithstanding the dismissal of the previous appeal on this site, the current application must be determined on its own merits. The previous appeal decision is a material consideration in the determination of this application and this is addressed further in the planning balance section of this report. As set out in the Planning History section above to which regard should be had, there have been material changes since the appeal decision, including the adoption of the Ledbury NDP, the publication of the updated Herefordshire Town Centre and Retail Assessment 2022, changes to the scale of the proposal, and an amended mechanism in respect of the delivery of the medical centre element of the proposal.
- 7.3 National and local policy seek to promote sustainable economic growth, support the vitality of existing town centres, and direct appropriate uses to appropriate locations. Chapter 6 of the NPPF outlines the Government's commitment to creating the conditions in which businesses can invest, expand, and adapt. This includes supporting economic development and employment-generating uses, provided they are in suitable and sustainable locations.
- 7.4 Chapter 7 of the NPPF sets out specific guidance in relation to ensuring the vitality of town centres. It encourages local planning authorities to support the role of town centres as the heart of their communities, promoting their long-term vitality and viability. The NPPF clearly states that proposals for 'main town centre uses' which include retail and office development, should be located within town centres in the first instance. This is reinforced through the application of the sequential test, which prioritises town-centre locations, followed by edge-of-centre sites, with out-of-centre sites only considered where suitable sites in more sequentially preferable locations are not available or viable.
- 7.5 At the local level, Policy E5 of the Core Strategy requires that development proposals contribute positively to the vitality and viability of existing centres, particularly Hereford and market towns

across Herefordshire, without adversely impacting the town centre's primary retail function. It also stipulates that main town centre uses proposed outside of defined centres must be subject to a sequential assessment to demonstrate that no suitable town-centre or edge-of-centre alternatives exist.

- 7.6 Policy LB1 of the Core Strategy sets out a strategic approach to the growth of Ledbury, supporting development that maintains and enhances the vitality of the existing town centre. It states that proposals for new retail or office development with a gross floorspace exceeding 400m², and which are located outside of the defined town centre boundary, must be supported by an impact assessment to evaluate potential adverse effects on the vitality and viability of the town centre.
- 7.7 Since the previous appeal decision, there have been material changes in the policy context and the evidence base. The adoption of the updated Ledbury NDP in June 2023 is considered to be a significant change, as it forms part of the development plan and provide further spatial clarity in that the primary shopping frontage and defined town-centre for Ledbury is now more extensive, taking in the Co-op store which was previously not included.
- 7.8 Furthermore, in defining the boundary of Ledbury's town centre, it is clear from Policy EE3.2 that the site does not lie within the town-centre or the primary shopping frontage. As such, and having regard to the definitions provided in Annex 2 of the NPPF, the site is considered to lie in an out-of-centre location. This triggers the requirement for both the sequential test and, given the scale of the proposed foodstore, an impact assessment under both Policy LB1 of the Core Strategy and Policy EE3.2 of the NDP.
- 7.9 In terms of the site itself, the NDP also includes a policy which in effect allocates the application site for development . Policy EE.1.2 states that '*Sensitive proposals for employment or services falling within Use Classes E(e), E(f) and E(g), and hotels within Use Class C1 will be encouraged on land amounting to 1.6 hectares opposite the Full Pitcher and east of Dymock Road*'. It goes on to set out that '*In all instances such proposals will only be permitted where there are no significant adverse effects on residential amenity; building design and layout properly integrates the development into the town and setting of Malvern Hills AONB; vehicular, cycling and pedestrian traffic can be safely accommodated; and sensitive landscape works are proposed, including measures to achieve appropriate green infrastructure objectives for the area concerned*'. As discussed below, the nursery and medical centre components of the proposal fall within the range of uses encouraged by policy EE1.2 and thus accord with that policy. The retail element of the proposals falls outside the range of uses encouraged by policy EE1.2 and, as discussed below, is considered to give rise to a conflict with that policy.
- 7.10 As already noted the current application follows the refusal and subsequent dismissal at appeal of a previous, similar scheme on this site (APP/W1850/W/21/3279731, decision dated 21 September 2022). The Inspector's decision focused on the retail impact of the development, finding that the previous proposal would have a significant adverse effect on the vitality and viability of Ledbury Town Centre. The Inspector also noted the absence of a binding commitment to deliver the associated medical centre, which was presented as a benefit of the scheme.
- 7.11 Since the appeal decision, the Herefordshire Town Centre and Retail Assessment (September 2022) has been published. This Assessment has concluded both a quantitative and a qualitative need for additional convenience retail provision in Ledbury. The assessment identifies a clear quantitative requirement for at least one new foodstore floorspace in the town, with existing stores operating above benchmark levels and capacity (between 900 and 1,600 sq.m by 2041). Qualitatively, the evidence highlights the benefits of improving consumer choice, addressing overtrading, and supporting the needs of a growing local population. The proposed development could therefore help to meet these identified needs, reduce the need to travel further afield for main food shopping, and enhance the overall quality and accessibility of retail provision for Ledbury residents. This represents a material consideration in support of the application and reflects the material changes since the dismissed appeal.

- 7.12 Notwithstanding the Herefordshire Town Centre and Retail Assessment, since the application site lies in an out-of-centre location, the proposal must be assessed against Core Strategy Policy E5, which requires that main town-centre uses located outside defined centres demonstrate compliance with the sequential test and do not give rise to significant adverse impacts on town-centre vitality and viability or on existing, committed or planned investment. Policy LB1 reinforces this position locally, requiring retail proposals outside Ledbury's defined town centre and exceeding 400 m² to be supported by an impact assessment to determine whether any adverse effects on town-centre vitality may arise.
- 7.13 Ledbury NDP Policy EE3.2 confirms that the site lies outside the town-centre boundary, as revised by the NDP, and requires proposals for retail development in such locations to demonstrate compliance the impact test, to demonstrate that there would be no adverse impacts on Ledbury town centre.
- 7.14 As such, consistent with Policies E5, LB1 and EE3.2, retail development on the site may therefore be acceptable in principle, subject to demonstrating compliance with the sequential and retail impact tests. These assessments are considered in the following sections.

Sequential Test

- 7.15 The NPPF and Policy E5 of the Core Strategy require that the sequential approach to site selection should be applied to all development proposals for main town centre uses that are not in any identified town-centre and not in accordance with an up-to-date development plan. The NPPF further requires that applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 7.16 As part of a sequential assessment the applicant is required to set out their site/unit requirements and national policy requires that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The applicant's Planning & Retail Statement states that principally, the applicant requires a site that can accommodate a store in excess of 1,100 sqm gross- and that a minimum 0.5ha would be required in this regard; approximately 100no adjacent surface level parking spaces. The area of search comprises Ledbury. The LPA is of the view that the parameters set for the Sequential Test are sufficiently flexible.
- 7.17 The LPA has reviewed the applicant's sequential site assessment and agrees with the conclusions reached. Three alternative sites have been considered. The first, Bye Street Car Park, is a 0.15ha site currently in use as a public car park. It is constrained by its small size, surrounding built development, and there is no evidence that it is available or being marketed. It is concluded that this site is neither suitable nor available for the proposed development, even when allowing for an appropriate degree of flexibility.
- 7.18 The second site assessed is Ledbury Park, which lies wholly within the Malvern Hills National Landscape, and is subject to environmental and heritage constraints, including the presence of Tree Preservation Orders (TPO). The site forms part of the town's historic parkland and also remains in active public use. With these factors in mind, it is not considered to be a suitable or available location for the proposed development.
- 7.19 The third and final site, the park at Orchard Lane, comprises approximately 0.9-hectares of open space currently used for recreational purposes and includes football pitches. The site is understood to be in the ownership of Herefordshire Council, although is not being actively marketed and remains in public use. It is subject to planning policy protections against the loss of open space. As such, it is concluded that this site is not suitable or demonstrably available for the proposal.

- 7.20 In addition to these sites, the applicant has also considered existing vacant units within Ledbury town-centre. The Council's retail consultant agrees with the conclusion that none of these units are of sufficient size or configuration to accommodate the proposed development; the LPA have no evidence or substantive reason to reach an alternative view on this point.
- 7.21 It is important to note that the sequential test was a consideration in the previous appeal decision (APP/W1850/W/21/3279731). At that time, the Inspector accepted that there were no sequentially preferable sites available, suitable, and viable for the proposed development, and this matter was not in dispute at the hearing. The current application maintains a similar approach, and the updated assessment confirms that no new sites have become available since the previous decision.
- 7.22 A change in the current proposal is the reduction in the size of the foodstore (now 1,100 sqm net sales area, compared to 1,347 sqm previously), which has been reflected in the current sequential site assessment. The applicant and LPA have demonstrated flexibility in format and scale, as required by national policy.
- 7.23 In summary, the sequential test is satisfied, and the position remains consistent with the Inspector's previous findings.
- 7.24 Taking the above into account, it is concluded that there are no sequentially preferable sites within, or on the edge of the town-centre that are both suitable and available to accommodate the proposed development.

Impact Assessment

- 7.25 Paragraph 94 of the NPPF states as follows;

"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

- 7.26 In this case, Policy LB1 of the Core Strategy sets a local impact threshold of 400m² gross retail floorspace, which applies to proposals for new retail (and other) development outside the town centre of Ledbury. The proposed development exceeds this threshold, and accordingly, a Retail Impact Assessment (RIA) has been submitted by the applicant. The RIA has been updated during the determination period in response to officer feedback, updated retail evidence, and third-party representations including a detailed objection submitted by the Co-operative Group in relation to the potential impact on its town centre store. This has been reviewed by the Council's independent retail consultant.
- 7.27 The proposed development comprises a new discount foodstore to be operated by Lidl, providing a predominantly convenience goods offer with a smaller proportion of comparison goods. Due to the nature of the discount model, which offers a limited range of goods and does not replicate the full-line offer of large supermarkets or town-centre and on retailers, the proposal is not expected to compete directly with existing town centre comparison retailing.

- 7.28 The applicant's revised RIA assesses both the opening year (2027) and design year (2029), using the 2022 HTCRA as a baseline. It also incorporates the latest GlobalData (March 2025) sales density benchmarks, which reflect updated turnover assumptions. These revisions have been reviewed by the Council's independent retail consultant, who confirms that the methodology is appropriate and is consistent with best practice.
- 7.29 The revised assessment incorporates committed developments, notably the approved Home Bargains store at New Mills Industrial Estate (241353 refers). The applicant has accounted for the turnover and trade draw of this scheme, which benefits from planning permission.
- 7.30 The most notable individual impact is expected to fall on the Tesco and Aldi stores (-12.5% and -11.9%, respectively), which lie outside of the town centre boundary as defined by the Ledbury NDP (Policy EE3.2). The Co-op, which since the updated Ledbury NDP, does now fall within the town-centre boundary, is forecast to experience an impact of -8.4%. Other town centre stores, including Spar, One Stop, and independent convenience shops, are projected to experience impacts in the region of 7% to 12%.
- 7.31 Ledbury continues to benefit from a diverse retail offer, a relatively low vacancy rate (11% as of October 2024) which is below the UK average, and a strong mix of independent and national retailers. The town centre's vitality and viability are supported by its wide commercial base, and there is no evidence which suggests that the proposal would undermine planned or committed investment in Ledbury town-centre.
- 7.32 During the course of the Council's consideration of the application, concern was raised that the RIA includes convenience destinations which no longer operate under the names listed in Table 8B (for example "Abbey Bakery"), and that other independent convenience retailers within Ledbury town centre do not appear to be individually itemised. The concern was this could lead to omissions or misallocation of convenience turnover in the retail baseline.
- 7.33 The Council's retail consultant considered this point and confirmed that the naming of specific outlets in Table 8B reflects the responses recorded in the 2022 HTCRA, which asked respondents to identify where they last undertook a main or top-up convenience shop. In some cases, households cited historic or colloquial names, even where the operator had changed or ceased trading by the time of the survey. This does not indicate that convenience turnover has been omitted.
- 7.34 The Council's retail consultant has considered the concern raised and has confirmed that the scope of the assessment in this respect is acceptable and reliable, and officers agree.
- 7.35 The household survey captures expenditure by destination within Ledbury town centre, rather than by precise operator name, meaning that expenditure recorded against units described by former or locally used names is nevertheless included within the aggregated Ledbury town centre convenience turnover which is used in the impact assessment.
- 7.36 The retail consultant further advises that, where a named operator has since closed or changed business, any expenditure recorded in the 2022 survey would have been redistributed to the remaining town centre convenience outlets, and therefore continues to be reflected within the total turnover figure. The fact that smaller independent shops are not individually itemised does not mean their turnover is excluded; rather, it is captured within the pooled town centre convenience expenditure derived from the household survey.
- 7.37 On this basis, the Council is satisfied that no material convenience turnover has been omitted and that the naming issue does not affect the robustness of the retail baseline or the conclusions of the retail impact assessment.

- 7.38 A significant majority of trade diversion to the proposed new store, is expected to be drawn from existing out-of-centre stores such as Tesco and Aldi. These stores are not afforded policy protection because they are not located within the aforementioned defined town-centre. Moreover, the Council's HTCRA 2022 does highlight both a qualitative and quantitative need for additional discount foodstore provision in Ledbury, which this proposal would help meet.
- 7.39 Concerns have been raised that the proposal may reduce linked trips associated with the Co-op foodstore and Tesco, which the previous Inspector identified as playing a role in supporting visits to Ledbury town centre. These concerns have been considered and independently assessed (see Appendices 1a–1c). The Council's considers that, while a proportion of linked trips presently made from the Co-op may be displaced, this does not equate to a material loss of overall town-centre footfall. Ledbury town centre has a diverse wider offer, including cafés, independent shops and other service uses which, should continue to attract regular visits irrespective of where main or top-up food shopping occurs. Linked trips may also continue to occur in different ways, including where shoppers combine a visit to the proposed Lidl foodstore, with a subsequent town-centre visit by car, or where they visit the town centre at other times for services, cafés, and general routine errands. This reflects the Council's retail consultant's advice that linked-trip behaviour is multi-purpose and is thereby often independent of any single foodstore. The Council's retail consultant considers that Ledbury town centre is sufficiently vital and viable to absorb any reduction in linked trips without significant adverse impact on its vitality or viability. Officers agree.
- 7.40 It is noted that the previous application on this site (APP/W1850/W/21/3279731) was dismissed at appeal in September 2022, with the Inspector concluding that the proposal would result in a 'significant adverse effect on the viability and vitality of Ledbury Town Centre'. The Inspector's concerns focused principally on the level of trade diversion from key town centre stores, including independent retailers, and the risk of undermining the town centre's role as the primary shopping destination for local residents.
- 7.41 In response, the current proposal has been revised to reduce the scale of the foodstore – and in turn resulting in a reduced turnover. Furthermore the Council's Retail Planning Consultant concludes the following points;
- *the vitality and viability of Ledbury town centre was good and the vacancy rates did not represent a cause for concern;*
 - *the Tesco and Aldi stores continue to trade above their respective benchmark averages. However, the Co-op store was identified to trade below benchmark, and lower than the figure presented within the previous, refused planning application;*
 - *the proportion of identified linked trips between the existing Tesco and Co-op stores to the wider town centre offer is limited; and*
 - *although not a policy test, the Study (Herefordshire Town Centre and Retail Assessment) identified a convenience capacity within Ledbury of between 900 and 1,600 sq.m by 2041, indicating an under provision of convenience floorspace within the town.*
- 7.42 Having regard to all the information available, including the review carried out by the Council's own retail consultants and their advice, it is considered that the overall impact on the vitality and viability of Ledbury Town Centre is not judged to be significantly adverse.
- 7.43 Further to the conclusions as set out in the submitted RIA, the applicant has referred to updated convenience goods sales density data published by GlobalData in February 2026. This indicates a reduction in the benchmark convenience sales density compared to the data previously relied upon.
- 7.44 Applying the updated sales density would result in a modest reduction in the forecast turnover of the proposed foodstore (from approximately £7.8m to £7.3m in 2029). As a consequence, the level of trade diversion from existing stores would be marginally lower than previously assessed.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- 7.45 Officers have considered whether this update necessitates a revised retail impact assessment. Given that the scale and form of development remain unchanged, and that the updated data results in a reduced turnover and reduced impact, the change is not considered material. It does not give rise to any new or materially different impacts on existing centres or stores beyond those already assessed.
- 7.46 The updated information however serves to reinforce, rather than undermine, the conclusions of the submitted Retail Impact Assessment and the Council's independent review, namely that the proposal would not result in a significantly adverse impact on the vitality and viability of Ledbury town centre or nearby centres, either alone or taking into account the committed Home Bargain's store as detailed in the assessment.
- 7.47 In reaching this conclusion, it is acknowledged that both Policy LB1 of the Core Strategy and Policy EE3.2 of the Ledbury NDP refers to the identification of "adverse impacts" on the vitality and viability of the town centre, whereas national policy at paragraph 95 of the NPPF requires refusal only where a proposal would be likely to result in a "significant adverse impact". The aforementioned development plan policies do not state that the presence of any adverse impact would, in itself, justify refusal, but instead requires such impacts to be assessed and considered as part of the decision-making process. The submitted RIA, independently reviewed on behalf of the Local Planning Authority, identifies that while some trade diversion and limited adverse effects may arise, these would be modest in scale and would not undermine the overall vitality and viability of Ledbury town centre, nor prejudice existing, committed or planned investment. When assessed in the round, and having regard to the scale of the proposal, the resilience of the town centre, and the up-to-date retail evidence base and all other evidence, those impacts on the vitality and viability of Ledbury town centre, although adverse, are not judged to be significantly so. Accordingly, the proposal is considered to comply with Policy LB1 of the Core Strategy and Policy EE3.2 of the Ledbury NDP, when read in conjunction with Policy E5 and paragraph 95 of the NPPF, which together establish that only significant adverse impacts would warrant refusal. The retail impact of the proposal is therefore considered acceptable.

Medical Centre

- 7.48 Policy SC1 of the Core Strategy is broadly supportive of new community uses and facilities which includes education and medical services where they are appropriately located to the communities they serve.
- 7.49 The adoption of the updated Ledbury NDP represents a material change in the policy context since the Local Planning Authority and Planning Inspectorate determined the previous application for the site (201718 and APP/W1850/W/21/3279731 refers). This is because the application site is allocated as a small employment site adjoining the settlement boundary of Ledbury through Policy EE1.2 of the Ledbury NDP, adopted in June 2023. This policy supports the delivery of sensitive employment or service uses, specifically encouraging proposals within Use Classes E(e) (medical/health services), E(f) (day nursery), E(g) (offices, R&D, and light industry), and C1 (hotels).
- 7.50 The current proposal includes an outline element for a medical centre, which falls within Use Class E(e) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This use class covers the provision of health services, including GP surgeries, dental practices, and health centres.
- 7.51 During consideration of the previous appeal, the Inspector acknowledged that a medical facility could contribute positively to the aims of Policies SD1.1 (Sustainable Development) and CL2.1 (Community Infrastructure) of the then-adopted Ledbury NDP. These objectives are now more

explicitly reflected in Policy EE1.2 of the updated plan, which supports such provision and specific use(s) on this site.

- 7.52 The need for a new medical facility is also supported by clear evidence of emerging local healthcare pressures. The Ledbury Health Partnership, the town's only GP practice, currently operates from three separate premises in the town centre. These are expected to close between 2027 and 2028 due to expiring lease agreements. NHS Herefordshire and Worcestershire has confirmed, in its formal consultation response to the application, that the site offers a potential location for future service provision, subject to securing the necessary revenue and capital funding.
- 7.53 While the proposal could therefore help facilitate a replacement or additional healthcare facility in Ledbury, the application does not seek full planning permission for a replacement of the existing GP practice which operates from Ledbury town-centre. As such, the Local Planning Authority must not assume that the new facility would deliver additional GP services, or that it would replace or directly relate to the existing town-centre provision. Moreover, the Use Class E(e) designation also allows for a range of medical and health-related uses and as such, does not guarantee that the facility would operate as a GP surgery open to the general public.
- 7.54 Whether the use of the medical centre could be restricted by condition to a GP surgery only has been considered. While this reflects *some* local aspirations, such a restriction would not be reasonable or enforceable in planning terms. The application explicitly seeks permission for a "medical centre" within Use Class E(e), which as stated above, encompasses a range of health-related services including GP surgeries, dental practices, physiotherapy clinics, and diagnostic centres. Conditions should not unreasonably restrict the use of land within a defined use class unless justified by a specific planning reason. In this case, it is considered that a restriction to GP use alone would not meet the tests of necessity, reasonableness, or enforceability under the NPPF. Furthermore, such a restriction could undermine deliverability, particularly given the evolving nature of NHS commissioning and the absence of a confirmed provider at this stage. The proposed Section 106 agreement provides a mechanism to secure the land for medical use, and prioritisation of GP provision could be explored through that route.
- 7.55 Deliverability of the proposed medical facility was also a concern raised by the Planning Inspector in the previous appeal, noting the absence of a binding mechanism to secure its development, despite indicative discussions with local medical providers having been documented.
- 7.56 To address the Inspector's previous concern regarding the deliverability of the medical centre, the proposal is now supported by a detailed Section 106 agreement, the terms of which provide a clear, reasonable and proportionate legal mechanism to secure delivery of the medical centre. Under the agreement, Lidl GB Ltd (as the freehold owner of the site) is required to submit a Medical Land Marketing Strategy to the Council before commencement of development. Once approved by the Council, the Owner must begin marketing the Medical Land, and continue to do so for a minimum period of 12-months (the "Medical Land Marketing Period"), in accordance with the approved strategy. During this period, the Owner is required to provide the Council with regular marketing reports, including evidence of adverts placed, details of enquiries received and relevant correspondence. The agreement requires the Owner to use all reasonable endeavours to dispose of the Medical Land to a Medical Provider identified during (or following) the marketing period. Where a Medical Provider is secured, the Owner must transfer the Medical Land for nil consideration, together with all necessary access and service rights, and subject to a covenant restricting the land to medical use only.
- 7.57 If, despite marketing, the Medical Land has not been transferred within three years of the Council's approval of the Marketing Strategy, the marketing and transfer obligations fall away.
- 7.58 It is considered that this mechanism represents a significant change, compared to the previous appeal scheme and directly responds to the Inspector's concerns regarding the lack of certainty

around delivery of this specific element of the proposal. The mechanism provided for in the planning obligation is different also to that which was before the Council when it determined to grant planning permission on the last occasion. Under the current mechanism, although delivery of the medical centre is not guaranteed, the mechanism proposed provides a proportionate and reasonable means for delivery of healthcare infrastructure at the site, in line with the aims of Policy SC1 and ID1 and Policy EE1.2 of the Ledbury NDP which now supports such a use on the site.

Nursery

- 7.59 The principle of the proposed day-care nursery is considered acceptable, as the site is identified through Policy EE1.2 of the Ledbury Neighbourhood Development Plan for such a use and is well-located to serve the settlement.

Policies concerning redevelopment of existing employment land

- 7.60 Core Strategy Policy E2 is concerned with “Redevelopment of Existing Employment Land and Buildings”. Policy E2 safeguards employment land and buildings rated as “best” and “good”, identified using the methodology of the Council’s Employment Land Study 2012, from “redevelopment to other non-employment uses”. It safeguards also (but less strictly) employment land rated as “moderate”, using the same methodology. Policy E2 includes a requirement for inter alia marketing where a change of use of a B class employment use is proposed.
- 7.61 The terms “employment land” is defined in the glossary to the Core Strategy as “land used for offices, industrial and warehousing purposes”.
- 7.62 Policy E2 applies to “employment land” and, as such, to land “used” for office, industrial and warehousing uses. As such, it applies to land which is in such use. That this is the case is reinforced by the title to E2, which refers to “existing” employment land and buildings and to the references within the policy to “*redevelopment* to other non-employment uses” (emphasis added). It is considered that the reference in policy E2 to employment “buildings” should be construed in the same way as employment “land”. As such, policy E2 applies to redevelopment for non-employment uses of land or buildings which are actually in employment use. It does not apply to sites that are allocated e.g. in a neighbourhood plan but not in actual existing employment use. The development of such sites is controlled by the allocation policies that relate to them.
- 7.63 The application site is undeveloped and it is not in employment use. As such, policy E2 is not engaged in the determination of the current planning application. Moreover and in any event, through the NDP policy EE1.2, the development of application site is encouraged for a range of uses, including a hotel, nursery, creche and day centre and medical /health services. These uses are not considered to be “employment uses”. Uses in class E(g), which includes office and light industrial uses, are also included in the range of uses encouraged and thus supported by policy EE1.2, but not exclusively so. It follows that development of the site could come forward, consistently with NDP policy EE1.2 wholly or mainly for non-employment uses. Therefore, the application site is not allocated by the NDP for solely “employment uses” in any event.
- 7.64 For these reasons, Policy E2 of the Core Strategy is not considered to be material or to be engaged for the purposes of consideration and determination of the current application for planning permission

Principle of Development Conclusion

- 7.65 The proposals would not give rise to significant adverse effects on the vitality and viability of Ledbury Town Centre. It would not adversely affect investment and the sequential test is met. The proposal would therefore not conflict with the retail policies of the Development Plan or the NPPF.

- 7.66 The retail element of the proposal conflicts with policy EE1.2 of the Ledbury NDP. The nursery and medical facility elements of the proposals do not conflict with policy EE 1.2. The application must be assessed as a single composite proposal and, as such, while the nursery and medical centre elements accord with Policy EE1.2, the inclusion of the retail foodstore results in an overall conflict with that policy.

Siting, scale and design and impact on visual amenity and landscape character

- 7.67 Core Strategy Policy LD1 requires that new development demonstrates how the character of the landscape and townscape has positively influenced its design, scale and siting, and that it conserves and enhances the natural, historic and scenic beauty of important landscapes and features.
- 7.68 Policy SD1 expects proposals to make efficient use of land, maintain local distinctiveness, safeguard amenity, and create safe, sustainable and well-integrated environments.
- 7.69 These principles are reinforced through the Ledbury NDP, notably Policies BE1.1, SD1.3, NE2.1 and NE2.2, which seek to ensure that development contributes positively to the town's character, landscape setting and visual amenity, including views from and towards the Malvern Hills National Landscape.
- 7.70 The NPPF, principally at Chapter 12 similarly emphasises the importance of high-quality, contextually responsive design and effective landscaping.
- 7.71 The site occupies a relatively prominent site which is situated to the southeast of the junction of the A417 Leadon Way, A449 Ross Road and B4216 Dymock Road / New Street, known as the 'Full-Pitcher Roundabout', owing to the public house of the same name which is situated to the north. With this in mind, it has previously been considered to serve a 'gateway' function to the town.
- 7.72 The site at present is relatively flat and laid to pasture; bound to most sides by established hedgerows. It is bound to the north by Leadon Way, the west by Dymock Road (and beyond is Hazel Park – an established commercial / industrial site). To the east is an established residential development of circa 320 dwellings, known as 'Hawks Rise; (143116 & 212375 refers). As such, the site does feel enclosed and would not extend development southwards further than already exists. The site therefore reads as an infill vacant site within a developed built edge of town setting.
- 7.73 The proposed foodstore and childcare nursery details with regards their built form and curtilage areas are submitted in full.
- 7.74 The foodstore would be positioned to the northern side of the site, with its northern elevation flanking the boundary with Leadon Way, allowing for an 'r-shaped' car parking arrangement, wrapping around the west and south of the main building.
- 7.75 The design form, scale and mass is a template design utilised by Lidl. The store would feature a mono-pitch roof, with a projecting canopy along the main shopfront elevation. An entrance/exit lobby is placed at the corner of the sales area on the southern elevation, and features a large glazed area.
- 7.76 As illustrated on the submitted elevation drawings shown at Figure 2, the main elevations would be finished in facing red-brick, with metal cladding at the higher level. The northern, Leadon Way elevation would be interspersed with green living walls, too. This would, with landscaping, avoid a monolithic and bland appearance along this corridor and would provide relief. This material palette is seen as appropriate and indeed an improvement on the previously refused application

given the increased use of facing brick. Subject to securing details of the materials, the appearance should be acceptable.



Figure 2 – Submitted elevation drawings front and rear (food-store)

- 7.77 The roof design and material palette respond appropriately to the site's context, particularly in relation to the wider setting of the Malvern Hills National Landscape. While the building form is not bespoke, the proposal acknowledges its context, being viewed against existing employment and industrial buildings, and addressing Leadon Way.
- 7.78 In terms of the nursery - its design is befitting of its intended function, with the overall layout reflecting the functional requirements associated with the proposed use. This includes parking to the south and outdoor play space to the north. It would feature a full two-storey element with a pitched roof, reducing in scale to 1½-storeys along the southeast boundary adjacent to the housing development.
- 7.79 On the basis of the above, the design of the nursery is considered acceptable and represents an informed response to context which when combined with the landscaping proposal features both mitigation and enhancement of the site and locality.
- 7.80 The medical centre element is submitted in outline, with all matters reserved except for access. While detailed design, layout and landscaping are not for consideration at this stage, there is no evidence to suggest that a suitable scheme could not come forward which integrates effectively with the full elements of the proposal (foodstore and nursery), without causing undue harm to landscape character, visual amenity or the wider setting of the town. The indicative parameters and site arrangement suggest that the medical centre could be accommodated in a manner that complements the overall scheme and respects the site's sensitivities. It is considered that an appropriate form of development for the medical centre can be secured through approvals at reserved matters stage.
- 7.81 In terms of landscaping, these are considered to provide both mitigation and enhancement. The Council's Landscape Officer has confirmed that previous concerns have been addressed and raises no objection. The submitted Environmental Colour Assessment is welcomed, has been fully considered, and demonstrates a contextual approach to the proposed materials and finishes. The applicant has responded positively to recommendations regarding matte finishes, fencing colour, and the need for material samples.
- 7.82 The submitted landscape report includes a comprehensive planting methodology and aftercare programme, with a 10-year maintenance plan and ecological enhancements, as secured by condition. The inclusion of a living wall system, native hedgerows, wildflower grass areas, and biodiversity features such as bird and bat boxes, log piles and hibernacula, is considered to contribute positively to the site's green infrastructure and ecological value.

- 7.83 On the basis of the above, the siting, scale and design of the foodstore and nursery are considered acceptable, and the landscaping proposals are sufficient to ensure the development integrates appropriately with its surroundings.
- 7.84 The proposal is therefore considered to comply with Core Strategy Policies LD1 and SD1, as well as Ledbury NDP Policies BE1.1, SD1.3, NE2.1 and NE2.2. It also accords with the design principles set out in Chapter 12 of the NPPF, particularly paragraphs 131, 135 and 136, which emphasise the importance of contextually responsive design, landscape integration and long-term environmental stewardship.

Historic environment

- 7.85 The application site is not located within the Ledbury Conservation Area and does not lie adjacent to any listed buildings. The nearest designated heritage asset is the Ledbury Conservation Area, which is located approximately 850-metres to the northeast. This area contains numerous listed buildings, including the Grade I-listed Church of St Michael and All Angels.
- 7.86 The application site is separated from the Conservation Area by intervening post-war residential development, and there is no intervisibility or functional relationship between the two. Therefore, the site is not considered to contribute towards the significance of the Conservation Area, which derives principally from its historic townscape, architectural quality, and role as a market town.
- 7.87 In terms of indirect effects, it is acknowledged that the vitality and viability of the town centre contributes to the ongoing maintenance and occupation of historic buildings, many of which are in active commercial use. The Core Strategy supporting text recognise the interrelationship between a successful retail function and the preservation of the town centre's historic fabric. However, the applicant has submitted a Retail Impact Assessment which has been independently reviewed and found to be robust, as discussed in the earlier section of this report. The assessment concludes that the proposed development would not result in a significant adverse impact on the vitality and viability of Ledbury town centre, nor on existing, committed or planned investment therein.
- 7.88 On this basis, and in the absence of an identified significant adverse impact on town centre vitality and viability, it is not considered that the proposal would result in harm to the historic character or appearance of the town centre or indeed, its designated heritage assets.
- 7.89 Accordingly, financial contributions towards public realm or other heritage enhancements in the town centre are not considered to be necessary or justified in this instance, and the proposal is considered to accord with Policies SS6 and LD4 of the Herefordshire Core Strategy, Policy BE2.1 of the Ledbury NDP, the principles relating to conserving and enhancing the historic environment within the NPPF, and the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on amenity

- 7.90 Core Strategy Policy SD1 requires that development proposals safeguard residential amenity for existing and proposed occupants, and ensure that new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination.
- 7.91 These principles are reinforced through Ledbury NDP Policy SD1.3, which seeks to minimise light pollution, promote sustainable drainage, and avoid or mitigate the loss of landscape features that contribute to amenity and environmental quality.
- 7.92 The site is allocated for development and comprises a mixed-use scheme including a foodstore, nursery and medical centre. It is situated adjacent to existing commercial premises and is

separated from the nearest residential properties, located within the Hawks Rise development to the east, by a distance of approximately 90-metres.

- 7.93 Landscaping is proposed along the eastern and southern boundaries, including hedgerow reinforcement and tree planting, which would assist in softening the visual transition and mitigating potential amenity impacts.
- 7.94 The medical centre, which is submitted in outline form with all matters reserved except for access, is positioned closest to the residential boundary. Its indicative layout and scale are considered appropriate, and there is no evidence to suggest that a reserved matters application could not come forward which integrates suitably with the full elements of the scheme (foodstore and nursery) without causing undue harm to residential amenity.
- 7.95 Within the site, concerns have been raised regarding the proximity of the nursery to the A417 Leadon Way and the potential for noise impacts on users of the nursery. The Council's Environmental Health Team has reviewed the submitted noise impact assessment and advised that, in terms of internal and external amenity areas, the matter could and should be addressed through planning conditions (see Condition 13)
- 7.96 With the above in mind, a safeguarding condition is recommended to secure details of noise management with respect to both the nursery and foodstore. This would be based on the already submitted Noise Assessment and also cover the timing and management of deliveries serving the foodstore, so that these can be approved and then enforced by the Local Planning Authority, in the interests of residential amenity.
- 7.97 Noise from external plant and deliveries associated with the foodstore has been assessed in accordance with BS4142 and found to constitute a 'low impact' at the nearest sensitive receptors.
- 7.98 Subject to the imposition of appropriately worded planning conditions, the proposal is considered to comply with Core Strategy Policy SD1 and Ledbury NDP Policy SD1.3, and should not result in unacceptable harm to residential amenity.

Access and highway safety

- 7.99 Core Strategy Policy LB1 supports development that improves accessibility within Ledbury by walking, cycling and public transport, particularly where it enhances connectivity with local facilities, employment areas and the town centre. It also encourages proposals that contribute to infrastructure improvements, including transport and broadband, to promote sustainable development.
- 7.100 Core Strategy Policy MT1 requires that development proposals demonstrate safe and efficient access, mitigate traffic impacts, and promote active travel. Schemes must integrate with existing transport networks, protect public rights of way, and comply with design and parking standards. Layouts should accommodate all users, including those with disabilities and emergency services, and respect local character where traffic management is introduced.
- 7.101 These principles are reinforced through Ledbury NDP Policy TR1.1, which supports improvements and extensions to the network of footpaths and cycleways, especially where they provide safe and accessible connections between new development areas and key destinations such as the railway station, schools and town centre.
- 7.102 Ledbury NDP Policy TR1.2 sets out public realm design requirements, requiring that new development minimises traffic impacts, supports active travel, and provides inclusive layouts for pedestrians, cyclists and mobility users. It also requires adequate off-street parking, electric vehicle charging, and the use of permeable materials to reduce surface water runoff.

- 7.103 The application has been supported by a Transport Assessment, with trip generation calculated using both TRICS data and locally observed survey data from the overtrading Aldi store in Ledbury (June 2022), providing a robust and realistic forecast to inform the highways impacts of this development. The LHA has confirmed agreement with this approach.
- 7.104 The proposed development incorporates a comprehensive package of access and highway improvements.
- 7.105 A new principal vehicular access to serve the entirety of the development, taken from the B4216 Dymock Road has been amended during the course of the application following discussions with the LHA, to ensure safe alignment and visibility, including swept path analysis for articulated vehicles. The internal layout has also been revised to accommodate HGV movements without conflict, and visibility splays have been confirmed as acceptable.
- 7.106 Two pedestrian and cycle access links are proposed from Leadon Way, connecting directly to the foodstore and nursery/medical centre respectively. These links have been widened to 3-metres to support shared use and comply with LTN 1/20 guidance. Whilst efforts to seek a pedestrian /cycle link from the site, directly through to the 'Hawks Rise' development (143116 & 212375 refers) to the east has not been resolvable through the course of the application's determination period, given the positioning of the site and the improved infrastructure on, and connecting to the A417 Leadon Way (as outlined below), this is not considered a significant disbenefit of the overall scheme.
- 7.107 A relocated Toucan crossing on the A417 Leadon Way, positioned 60-metres to the east of the 'Full Pitcher roundabout', would align with the existing Public Right of Way and would therefore enable safe connectivity into the wider Ledbury area, including the town-centre.
- 7.108 The development would include 101no. car parking spaces for the foodstore, including 10no. accessible bays and 2no. EV charging points. The nursery would be served by 24no. spaces, including 1no. accessible bay.
- 7.109 While it is acknowledged that the parking proposed to serve the nursery would fall below the HC Design Guide standard, a shared parking arrangement with the foodstore has been agreed, supported by a parking accumulation study demonstrating sufficient capacity across the site. A direct pedestrian link between the nursery and foodstore car park would facilitate this arrangement, and a parking management strategy is recommended to be secured by condition, with details to be agreed by the Local Planning Authority prior to first use of the development.
- 7.110 The medical centre is proposed in outline only. A total of 53no. spaces are indicated, including 6 accessible bays (11%), with final layout and parking provision to be determined at reserved matters stage through the consideration of 'layout'. Trip generation has been assessed using robust assumptions based on a GP surgery use, and the Local Highway Authority has raised no objection on this basis.
- 7.111 Cycle parking would be provided in accordance with HC standards. The foodstore cycle stands would be located under the foodstore canopy, overlooked by the checkout area. The nursery would include secure long-stay provision for staff and children's bikes/scooters, with additional short-stay stands at the frontage. Final details and specifications are recommended to be secured by way of condition. Cycle parking for the medical centre would be confirmed at reserved matters stage, but is also required as part of the aforementioned condition.
- 7.112 To support sustainable travel further, a pair of bus stops are proposed on the A417 Leadon Way adjacent to the pedestrian and cycle access to the site, one on each side of the carriageway. These are supported by a Stage 1 Road Safety Audit and would be delivered via a Section 278 agreement with the Local Highways Authority. A new bus stop on Kipling Avenue, serving the

adjacent residential site, further enhances public transport accessibility within the wider vicinity of the site.

- 7.113 In addition, the applicant has committed to a financial contribution of £100,000 (index linked) towards infrastructure to support the community transport service provided by Community Action Ledbury. This would fund the purchase of an electric wheelchair-accessible vehicle and associated EV charging infrastructure, with installation sites to be explored at locations including Bye Street, John Masefield High School, and Masters House Car Park. This contribution is considered necessary to support sustainable travel options for vulnerable users, directly related to the development's scale and location, and fairly and reasonably related in kind and in scale - thereby meeting the statutory tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). This would be included within the Section 106 agreement.
- 7.114 With the above in mind, the proposal is considered to comply with the relevant policies of the development plan – specifically Policy SS4, MT1 and LB1 of the Core Strategy, Policy TR1.1 and TR1.2 of the Ledbury NDP, and is also consistent with the objectives of the NPPF in terms of promoting sustainable transport, safe access, and inclusive connectivity.

Ecology

- 7.115 Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity and geodiversity. This includes the retention and protection of nature conservation sites, habitats and important species, the restoration and enhancement of existing features and connectivity to wider ecological networks, and the creation of new biodiversity features and wildlife habitats. Policy LD3 promotes the protection and enhancement of green infrastructure.
- 7.116 These principles are reinforced through Ledbury NDP Policy NE1.1, which supports the conservation, recovery and enhancement of biodiversity and geodiversity, including priority habitats, local wildlife sites, trees, woodlands, orchards, hedgerows, ponds and watercourses. Development is expected to contribute to ecological networks and green infrastructure, particularly within identified Strategic Corridors and Enhancement Zones, and to deliver biodiversity net gain through habitat creation, restoration and active management
- 7.117 Policy NE2.1 further requires development to conserve the landscape and scenic beauty of the parish, including the Malvern Hills Area of Outstanding Natural Beauty (AONB) (now formally known as 'National Landscape'), and to retain and enhance natural features such as trees, hedgerows and watercourses.
- 7.118 The application site comprises approximately 1.6 hectares of unmanaged modified grassland, bounded by species rich native hedgerow interspersed with trees. The application has been supported by a Preliminary Ecological Appraisal (PEA) which confirms that the site is of low ecological value, with limited suitability for protected species. No designated sites lie within 1km, though three Sites of Special Scientific Interest (SSSIs) are located within 1-2miles, including Mayhill Wood and Ledbury Cutting.
- 7.119 The site does not support any Priority Habitats, nor is it situated within a Strategic Corridor or Enhancement Zone as identified in the Ledbury NDP. The PEA identifies low potential for great crested newts, badgers, and reptiles, with no evidence of active use by these species. A precautionary approach is nonetheless recommended during construction and therefore a Construction Environmental Management Plan (CEMP) is recommended to be secured as a pre-commencement condition.
- 7.120 Furthermore, the retention of boundary hedgerows and incorporation of native planting within the landscaping scheme would assist in bolstering green infrastructure and thus in turn, promoting habitat connectivity and the protection of locally significant ecological features.

- 7.121 The development is subject to the statutory requirement for Biodiversity Net Gain under the Environment Act 2021 and associated Biodiversity Gain Regulations 2024. The submitted BNG Assessment confirms that the development would result in a net loss of 4.01 habitat units (-62.69%) and a modest gain of 0.5 hedgerow units (+6.04%) on-site. The trading rules are not satisfied due to the loss of 2.21 high distinctiveness hedgerow units. As such, off-site units must be secured.
- 7.122 To achieve the mandatory 10% net gain, the applicant proposes a hybrid approach comprising:
- On-site habitat creation, including urban trees, neutral grassland, and species-rich hedgerows.
 - Off-site delivery of 4.65 habitat units and 2.21 hedgerow units via a Registered Offsite Gain Provider or, if necessary, through the purchase of statutory biodiversity credits.
- 7.123 This approach is consistent with the Biodiversity Gain Hierarchy set out in Article 37A of the Town and Country Planning (Development Management Procedure) Order, and reflects the applicant's efforts to maximise on-site delivery whilst noting the particular constraints of the scheme.
- 7.124 The BNG solution must be secured in full prior to commencement of any development, including the full application elements. This includes submission of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) in accordance with DEFRA templates, and evidence of purchase of off-site units or credits from a legally secured and registered provider.
- 7.125 Although the biodiversity gain condition is deemed to apply by virtue of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, a planning condition is recommended in this case to provide clarity and certainty. This reflects the hybrid nature of the BNG strategy, which includes off-site unit purchase. As the off-site units are to be acquired from a Registered Biodiversity Gain Site Provider, a separate legal agreement with the applicant is not required. The condition would ensure that the Biodiversity Gain Plan and HMMP are submitted and approved prior to commencement, and that monitoring is secured over a 30-year period.
- 7.126 As such, with the above in mind the proposal is considered to accord with Policy LD2 and LD3 of the Core Strategy, and Policy NE1.1 of the Ledbury NDP, as well as the relevant principles set out in the NPPF.

Flood risk and drainage

- 7.127 As well as the expectations of Policy SD3 and SD4 of the Core Strategy, Policy SD1.3 of the Ledbury NDP encourages the use of sustainable drainage systems (SuDS) to increase resilience to flooding, promote biodiversity, improve water quality, and enhance amenity. It also supports the use of permeable surfaces and tree planting to reduce runoff.
- 7.128 The application site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. However, the far western extent of the site is identified as being at low to medium risk of surface water flooding. In response, amended plans were submitted to ensure that no built development is located within this area, with only landscaping proposed. This has been suitably accommodated through minor adjustments to the alignment and positioning of the foodstore car park.
- 7.129 The submitted Flood Risk Assessment (FRA) and Surface Water Mitigation Note confirm that the finished floor levels of all buildings would be raised at least 150mm above surrounding ground levels. The car park and substation adjacent to the area at risk are proposed to be set at a minimum level of 48.833m AOD, which is approximately 933mm above the identified flood extent.

- 7.130 Each of the three proposed uses, foodstore, nursery, and medical centre would be served by separate attenuation tanks with associated HydroBrakes, discharging via a single pipe to the public surface water sewer. The discharge rates would be restricted to greenfield runoff rates, in accordance with drainage hierarchy principles.
- 7.131 Foul drainage is proposed via gravity-fed discharge to the public foul sewer, with Severn Trent confirming that capacity exists to accommodate the development. The LLFA raises no objection to the proposals, subject to conditions requiring: submission of detailed drainage design plans; confirmation from Severn Trent regarding surface water discharge; and clarification of adoption arrangements for shared infrastructure. Subject to these, the scheme is considered to accord with Core Strategy Policies SD3 and SD4, Policy SD1.3 of the Ledbury NDP and relevant NPPF provisions on flood risk and sustainable drainage

Loss of Agricultural Land

- 7.132 The application site comprises approximately 1.6 hectares of agricultural land classified as Grade 2 by the Natural England Agricultural Land Classification, and therefore forms Best and Most Versatile (BMV) category (Grades 1, 2 and 3a). The NPPF (paragraph 187(b)) requires decision-makers to recognise the economic and other benefits of BMV land, and Core Strategy Policy SS7 seeks to safeguard high-quality soils where possible. The proposal in this case would result in the permanent loss of BMV land and this is a material consideration which carries some weight in the planning balance. However, the site is formally allocated for development within the Ledbury NDP under Policy EE1.2, which establishes the principle of the land transitioning from agricultural use to built development. As such, the loss of BMV land is, in this case, anticipated and accepted by the development plan, and therefore, while acknowledged, the weight attributed to this loss is limited. The matter is accordingly carried forward to the overall planning balance.

Section 106 agreement

- 7.133 In light of the forgone considerations relating to the medical centre land and highways and transport, respectively, the following summary is provided of the the Section 106 agreement.
- Medical Centre Land Transfer
 - The developer will use reasonable endeavours to transfer the designated “Medical Land” (freehold, with title absolute and full title guarantee) to a medical provider within 3 years of the grant of planning permission.
 - The transfer will be for nil consideration and will include all necessary rights of access and services.
 - The agreement also explicitly includes a requirement to market the medical land, thereby ensuring steps are taken to secure a provider.
 - If, after 3 years, the developer can evidence reasonable endeavours, but no provider is secured, the obligation lapses.
 - Community Transport Contribution
 - £100,000 (index-linked) financial contribution to support Community Action Ledbury’s accessible transport service.
 - £70,000 allocated for the purchase of an electric wheelchair-accessible vehicle.
 - £30,000 allocated for EV charging infrastructure and dedicated parking bays.
 - Potential installation sites for EV infrastructure include:
 - Council land adjacent to Community Action Ledbury (4b Bye Street)
 - John Masefield High School
 - Bye Street Car Park
 - Masters House Car Park

- 7.134 The obligations would support the delivery of healthcare and inclusive transport infrastructure, in accordance with Policy ID1, MT1 and SC1 of the Core Strategy, and Policy EE1.2 and TR1.2 of the Ledbury NDP. The obligations are structured so that they meet the legal tests of necessity, direct relation, and proportionality under CIL Regulation 122.

Environmental Impact Assessment

- 7.135 A formal EIA Screening Opinion was sought, and the Local Planning Authority issued its Screening Opinion on 18 March 2026 confirming that the proposed development does not constitute Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.0 Conclusion

- 8.1 The site is allocated for employment, and service uses through Policy EE1.2 of the Ledbury NDP, and this represents a material change in the policy context since the previous appeal decision (APP/W1850/W/21/3279731). It establishes the principle of development for uses falling within Use Classes E(e), E(f), E(g), and C1. The proposed nursery and medical centre fall within the scope of this allocation and are therefore acceptable in principle. The proposed foodstore (E(a)) is not supported by the allocation and as such a conflict with Policy EE1.2 arises.
- 8.2 Updated and independently reviewed evidence confirms that there are no sequentially preferable sites within or on the edge of Ledbury town centre that are both suitable and available. The Retail Impact Assessment has been independently reviewed and found to be robust, with the Council's retail consultant confirming that the proposal would not result in a significant adverse impact on the vitality and viability of Ledbury town centre, nor on existing, committed or planned investment therein. The foodstore element is smaller than that previously dismissed at appeal, and therefore, the current proposal represents a materially different scheme to that previously refused and dismissed at appeal and the evidence now before the LPA is considered to demonstrate that the impacts of the proposals on the town centre are acceptable.
- 8.3 The proposal includes the provision of land for a medical centre in outline form. The applicant, who now owns the site, has offered to enter into a legal agreement which contains a reasonable and proportionate mechanism directed at the delivery of this element. With this mechanism secured through a planning obligation, matters have moved on since the Inspector's decision and the proposals for seeking to deliver the medical centre are considered reasonable and acceptable.
- 8.4 The siting, scale and design of the development are considered appropriate to the site's context, and the landscaping proposals would provide for both mitigation and enhancement at this 'gateway' location. The use of contextual materials, including red brick and green living walls, alongside a comprehensive Environmental Colour Assessment, ensures that the development would respond positively to its setting and the wider landscape character.
- 8.5 Matters relating to ecology, flood risk and drainage, and residential amenity are capable of being appropriately managed through the imposition of planning conditions. These include measures to secure biodiversity net gain, sustainable drainage systems, and mitigation of noise impacts on sensitive receptors, including the proposed nursery.
- 8.6 Access arrangements have been revised to address technical concerns, and the proposal includes a comprehensive package of pedestrian, cycle and public transport improvements. A financial contribution towards community transport infrastructure would also support sustainable travel objectives and improve accessibility for vulnerable users.

- 8.7 The proposal would also result in the loss of approximately 1.6 ha of Grade 2 (BMV) agricultural land; while this is judged to carry limited weight given that the Ledbury NDP allocation envisages development of the site, it remains a minor harm to be considered.
- 8.8 In terms of compliance with the development plan, as stated above the proposal, as whole, gives rise to conflict with Ledbury NDP Policy EE1.2. As a result of this conflict, the proposal is considered to be in conflict with the development plan taken as a whole. It is therefore necessary to consider whether material considerations, which includes any planning benefits, are such as to outweigh that conflict and to support a conclusion that planning permission should be granted.
- 8.9 The proposal would deliver substantial economic and social benefits, which are considered to be material considerations in the determination of the application. These include construction-phase employment and supply-chain expenditure; approximately 40 FTE operational jobs in direct connection with the proposed foodstore, with additional employment associated with the nursery and medical centre. There would be indirect employment generated through servicing and operational activity moderate weight is attached to these economic benefits.
- 8.10 The scheme provides floorspace for additional childcare provision in the form of the nursery proposed, which would benefit families in the area. The proposal also offers the potential for improved access to healthcare through the secured mechanism for delivering the medical centre land, including by providing an opportunity for the local GP practice to relocate should it and the NHS generally decide to engage with that opportunity. Substantial weight is attached to these matters.
- 8.11 The Council's updated Herefordshire Town Centre and Retail Assessment (2022) identifies both a quantitative and qualitative need for additional convenience retail provision in Ledbury, including capacity for a discount foodstore. The proposal responds to this evidenced gap in provision without giving rise to a significant adverse impact on Ledbury town centre. Substantial weight is attached to this matter.
- 8.12 Taken together these matters give rise to weighty and important economic and social benefits which weigh strongly in favour of the proposal.
- 8.13 In the assessment undertaken, detailed consideration has been given to the Inspector's decision letter arising from the previous appeal, which is considered to be a material consideration. Consistency in decision making is recognised as an important consideration and there should be good reasons to depart from the conclusions of the previous Inspector. Given the changes in circumstances set out above and based on the evidence now available, officers have reached a different conclusion to the Inspector particularly concerning retail impact and the mechanism for seeking the delivery of the medical centre component of the proposal. As such, there are considered to be good reasons now to reach a different conclusion to that of the Inspector.
- 8.14 The proposal is not considered to give rise to any material conflicts with the NPPF.
- 8.15 Taken together the benefits which the proposal generates attract significant positive weight which are considered to outweigh the identified development plan conflict and to justify the grant of planning permission. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and having regard to the planning balance set out above, planning permission is recommended for approval.

RECOMMENDATION

That planning permission be granted, subject to the conditions set out at Annex 1, the completion of a Section 106 agreement to secure the transfer of land for the proposed medical centre, the community transport contribution, and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Annex 1 – Planning Conditions

STANDARD CONDITIONS

1. Time Limit – Full Permission (Foodstore and Nursery)

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

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

2. Submission of reserved matters (Medical Centre)

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

3. Time Limit (Medical Centre)

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. Approval of the reserved matters (Medical Centre)

Approval of the details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

5. Approved Plans (full)

The development shall be carried out in accordance with the approved plans listed in this below;

P402 rev Q Proposed Masterplan (only as far as it relates to the foodstore and nursery)
P403 rev N Proposed Lidl Site Plan GA
P404 rev K Proposed Lidl Surface Treatment Plan

P101 rev C Proposed Lidl Roof Plan
P120 Proposed Nursery Ground Floor Plan
P121 Proposed Nursery First Floor Plan
P202 rev B Proposed Lidl Elevations – Brick Alt
P220 Proposed Nursery Elevations – South
P221 Proposed Nursery Elevations - North
P401 rev C Existing Site Plan
P420 rev B Proposed Nursery Site Plan GA
P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nursely element)

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

CA2024 LDBY 02 rev C Tree Survey & Existing Features & Overlay
CA2024 LDBY 03 rev H Landscape Proposals Overall
CA2024 LDBY 04 rev F Landscape Proposals Detail 1-200 A0
CA2024 LDBY 04 rev F Landscape Proposals Detail
CA2024 LDBY 07 rev B Ledbury Hedgerow Management Plans
CA2024 LDBY Ledbury Planting Schedule rev 18 June 2025

CA2024 LDBY 01 rev B Tree Survey & Existing Features
CA2024 LDBY 05 rev A Landscape Living Green Wall
CA2024 LDBY 06 Landscape Sections

PL02 rev F Access Junctions Visibility Splays
PL03 rev H Potential Active Travel Links to Development
SP01 rev G Swept Path Analysis
SP02 rev D Swept Path Analysis
PL01 rev G Potential Toucan Crossing

P400 rev C Site Location Plan

Reason: To ensure adherence to the approved plans in the interests of proper planning.

6. Approved Plans (Medical Centre)

The development shall be carried out in accordance with the approved plans listed in this below;

P400 rev C Site Location Plan
P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nurse element)

Reason: To ensure adherence to the approved plans in the interests of proper planning.

PRIOR TO COMMENCEMENT OF DEVELOPMENT (site-wide or specified element of development)

7. Materials

With the exception of site clearance and groundwork, no development shall commence on: a) the foodstore, or b) the nursery, until details and/or samples of the external materials to be used for the walls and roofs of the respective buildings (including solar panels) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved materials.

Reason: To ensure a high standard of design that respects and enhances the character and appearance of the area, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, SD1.3 and NE2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

8. Biodiversity Net Gain

No development shall commence, including any site clearance or preparatory works on that respective element, until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Confirmation that the development is subject to the statutory Biodiversity Gain Condition under the Environment Act 2021 and Biodiversity Gain Regulations 2024.
- Details of the on-site habitat creation and enhancement measures, including habitat types, condition targets, and management prescriptions.
- Evidence of the purchase of off-site biodiversity units from a Registered Biodiversity Gain Site Provider, or alternatively, confirmation of statutory biodiversity credits purchased, sufficient to achieve a minimum 10% net gain in biodiversity value.
- A Habitat Management and Monitoring Plan (HMMP) covering a minimum 30-year period, in accordance with DEFRA guidance, setting out how the biodiversity measures will be maintained and monitored.

The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and HMMP.

Reason: To ensure the development delivers measurable biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain Regulations 2024, and to give effect to the deemed biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The condition also supports compliance with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and Ledbury Neighbourhood Development Plan Policies NE1.1.

9. Contamination

No development shall commence, including any site clearance or preparatory works, 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

10. Construction Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include the following details:

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Measures to prevent mud and debris being deposited onto the public highway;
- Construction traffic access arrangements;
- Parking provision for site operatives and visitors;
- A Construction Traffic Management Plan;
- Details of any site compound, including its location (which may be on land identified for the nursery or medical centre), and a scheme for the reinstatement of that land following completion of construction works.
- The approved Construction Management Plan shall be implemented in full and maintained throughout the construction period.

Reason: To safeguard highway safety, protect residential amenity, and ensure the coordinated and phased delivery of the development, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.2 of the the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

11. Drainage

No development shall commence, including any site clearance or preparatory works, until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed design drawings and construction plans for both the proposed surface water and foul water drainage systems, including calculations and specifications. The foul drainage design shall be developed in consultation with Severn Trent Water.
- Written confirmation from Severn Trent Water that the proposed surface water discharge to the public surface water sewer is acceptable.
- Details of the proposed adoption and maintenance arrangements for all drainage infrastructure, including confirmation of the responsible party and any agreements with statutory undertakers or management companies.

The development shall thereafter be carried out in accordance with the approved details prior to first occupation or use of any part of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of flooding and pollution, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

12. Construction Environmental Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but may not be limited to:

- An ecological working method statement detailing measures to protect retained habitats and species during construction;
- Details of the person(s) responsible for implementing and monitoring the CEMP throughout the construction period.

The approved CEMP shall be implemented in full prior to the commencement of development on the relevant parcel and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of ecological interests and the enhancement of biodiversity, in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, the National Planning Policy Framework, and Herefordshire Council’s declared Climate Change and Ecological Emergency.

13.Noise Management

Prior to the commencement of development, a comprehensive Noise Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings and recommendations of the submitted Noise Assessment Report (Inacoustic, Ref: 23-601-2, dated April 2024) and shall include:

Nursery Acoustic Design Compliance

o Evidence demonstrating that all teaching spaces within the nursery element will be designed and constructed to meet the performance standards set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards, including internal ambient noise levels, sound insulation, and reverberation time.

Delivery Noise Management Plan - Foodstore

A delivery noise management plan for the foodstore, detailing:

- o Proposed delivery times and hours
- o Measures to minimise noise from delivery operations, including use of reversing alarms, unloading procedures, and vehicle idling
- o Any mitigation measures proposed to ensure delivery-related noise remains within acceptable limits at nearby receptors

The development shall thereafter be carried out and operated in accordance with the approved Noise Management Scheme.

Reason: To ensure an appropriate acoustic environment for future users of the nursery, to safeguard the amenity of nearby residential occupiers, and to ensure that noise impacts from deliveries and plant remain within acceptable levels, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework. This is a pre-commencement condition because the details of the acoustic design and delivery-noise controls must be incorporated into the building construction, plant layout and operational management arrangements from the outset. These matters cannot be guaranteed to be satisfactorily addressed once development has begun.

14. EV charging (submission of details required prior to commencement of each element)

With the exception of any site clearance and groundworks, no development shall commence with respect to each element to which it relates - a) the foodstore b) nursery and; b) the medical centre, until written and illustrative details of the number,

type/specification and location of electric vehicle charging points have been submitted to and approved in writing by the local planning authority.

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

Reason: In accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy TR1.2 of the Ledbury Neighbourhood Development Plan and to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the National Planning Policy Framework

15. Ventilation strategy (Nursery)

Prior to the commencement of development on the nursery building, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how adequate ventilation will be achieved while ensuring compliance with the internal ambient noise criteria set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards.

The development shall be carried out in accordance with the approved strategy and the ventilation system shall be retained and maintained thereafter in accordance with the manufacturer's specifications.

Reason: To ensure a suitable internal acoustic environment for future occupants of the nursery, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT OF CERTAIN OPERATIONS / INSTALLATIONS

16. External lighting (before installation of any external lighting)

Prior to the installation of any external lighting, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- The location, type, and intensity of all proposed external lighting;
- Measures to ensure compliance with current best practice guidance issued by the Institute of Lighting Professionals and the Bat Conservation Trust;
- Consideration of the site's proximity to the Malvern Hills National Landscape and its contribution to maintaining local dark skies.

The development shall thereafter be carried out in accordance with the approved Lighting Strategy, and the lighting shall be retained and operated in accordance with the approved details.

Reason: To protect nocturnal species including bats, safeguard residential amenity, preserve landscape character, and maintain dark skies, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

17. External signage

No external signage, fascia panels, projecting features, or associated fixings shown on the approved foodstore elevations shall be installed until an External Signage Details Plan has first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a) the type, location, dimensions and materials of any proposed signage panels or zones forming part of the building's external appearance;
- b) details of the colour finishes and method of attachment to the building; and
- c) a statement confirming which elements (if any) are intended to constitute advertisements for the purposes of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

For the avoidance of doubt, this condition does not grant advertisement consent, and any signage constituting an advertisement must comply with, or obtain consent under, the Advertisement Regulations.

Reason: To ensure that the detailed design and external appearance of the foodstore is satisfactory, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

18. Visibility splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43m northbound and 120m southbound metres along the nearside edge of the adjoining carriageway – as indicated on approved plan PL02 Rev F. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan - Core Strategy, Policy TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO FIRST USE / OCCUPATION (of respective elements or site-wide)

19. Parking Management Plan (Nursery)

Prior to the first use of the nursery building hereby approved, a detailed Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- Staggered drop-off and pick-up arrangements to minimise peak-time congestion.
- Operational details including anticipated child capacity, staff numbers, and standardised drop-off/pick-up times.
- Overflow parking strategy, including use of the foodstore car park and pedestrian connectivity.
- Monitoring and review mechanisms to assess parking demand and congestion during the first 12 months of operation.
- Measures to ensure safe and efficient access, including any physical or operational interventions to prevent vehicle stacking or obstruction of site access.

The approved Parking Management Plan shall be implemented in full prior to the first use of the nursery and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and efficient access to the site, minimise congestion, and safeguard highway safety in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies BE1.1, TR1.2 and SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan.

20. Temporary Management of Undeveloped Parcels

Prior to the first use of the foodstore, a scheme for the management and maintenance of the land identified for the nursery and medical centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Measures to ensure the land is kept free from debris, fly-tipping, and unauthorised use**
- Maintenance of boundary treatments and landscaping**
- Any temporary surfacing or fencing proposed**
- A timetable for ongoing inspection and upkeep**
- Provisions for reinstatement following any temporary use (e.g. construction compound)**

The approved scheme shall be implemented in full and maintained for the duration of the period prior to the commencement of development on the nursery or medical centre parcels.

Reason: To ensure that land identified for future phases of development is appropriately safeguarded, maintained, and does not detract from the visual amenity, landscape character, or residential environment, in accordance with Policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, EE1.2, NE1.1 and NE3.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

21. Off-site highway works (before occupation or beneficial use of any part)

No part of the development shall be occupied or brought into use until the off-site highway works, comprising the provision of a pair of bus stops on Leadon Way and a Toucan crossing, as shown on approved drawing PL01 Rev G - have been fully delivered and made operational.

Details of the works shall first be submitted to and approved in writing by the Local Planning Authority, following completion of the technical approval process by the Local Highway Authority. The works shall be implemented in full accordance with the approved details.

Reason: To ensure safe and inclusive access to the site by sustainable modes of transport, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

22. Biodiversity (site-wide bird/bat/hedgehog/insect provision)

Prior to the first use of any element of the development hereby approved, a site-wide strategy for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location, specification, and installation of:

- A minimum of four bird nesting boxes suitable for a range of site-appropriate species;
- One hedgehog home; and
- Four insect hotels.

The approved measures shall be implemented prior to first use and shall be retained and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancement and support protected species and habitats, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

23. Travel Plan (foodstore, nursery, medical centre)

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre - a Travel Plan relating to that element shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include measures to promote sustainable modes of transport for staff and visitors, and shall be implemented in full upon first occupation of the relevant element. A written record of the measures undertaken to promote sustainable travel shall be maintained, and the Travel Plan shall be reviewed annually.

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

Reason: To promote the use of sustainable transport modes, reduce reliance on private vehicles, and support inclusive access, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

24. Cycle storage (foodstore, nursery, medical centre)

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, full details of a scheme for the provision of covered and secure cycle parking facilities for that element shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be installed and made available for use prior to the first occupation of the relevant element and shall thereafter be retained and maintained in working order.

Reason: To ensure adequate provision for secure cycle parking and to encourage the use of sustainable modes of transport, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

25. Landscaping implementation (foodstore and nursery)

(a) Except as set out in part (b) of this condition, all planting and landscaping works relating to the foodstore and nursery shall be carried out in full accordance with the approved landscape drawings CA2024-LDBY-03 Rev H (Landscape Proposals Overall), CA2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document. These approved details shall be implemented in full during the first planting season following substantial completion of the development, or prior to the first use of any part of the development, whichever is sooner.

(b) Notwithstanding the approved drawings, the landscaping details along the Leadon Way (A417) boundary, including proposed hedgerow retention, reinforcement planting, species mix, and any additional screening measures, shall be subject to the prior written approval of the Local Planning Authority. No works to the Leadon Way boundary shall commence until these further details have been submitted to and approved in writing by the Local Planning Authority.

(c) The Leadon Way boundary landscaping shall thereafter be implemented in full accordance with the details approved under part (b) of this condition during the first available planting season following approval.

Reason: To ensure the retention and enhancement of the boundary landscaping along Leadon Way in the interests of visual amenity, biodiversity and screening, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan –Core Strategy, Policies BE1.1, NE2.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

26. Remediation (validation report before first occupation)

The Remediation Scheme, as approved pursuant to Condition 7 above, shall be fully implemented before any part of 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 and agreed in writing 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

27. Waste storage/collection (foodstore and nursery)

Prior to the first use of any element of the development, namely (a) the foodstore or (b) the nursery, details of suitable provision for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include arrangements that allow for the convenient and accessible storage of waste and ensure unrestricted access for collection at all times.

The approved waste storage and collection facilities shall be provided prior to first use of the relevant element and shall be retained and maintained thereafter for the duration of the use.

Reason: To ensure adequate provision for waste management in the interest of visual and residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

28. Parking provision (foodstore and nursery)

Prior to the first use of the foodstore or nursery, the parking and manoeuvring areas serving each respective element shall be completed in full accordance with approved drawings P402 Rev Q Proposed Masterplan, P403 rev N Proposed Lidl Site Plan GA and P420 rev B Proposed Nursery Site Plan GA.

These areas shall be made available for use prior to occupation and shall thereafter be retained and maintained for the duration of the use. The parking and manoeuvring areas shall not be used for any other purpose.

Reason: To ensure safe and efficient access and circulation within the site, and to prevent obstruction of the public highway, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policies TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

29. Vehicular access construction (prior to first use of any part of development)

Prior to the first use of any part of the development, details of the vehicular access construction, including gradient, surfacing, and alignment, shall be submitted to and approved in writing by the Local Planning Authority.

The access shall be constructed in full accordance with the approved specification and shall not exceed a gradient steeper than 1 in 12. It shall be implemented in full prior to first use of the development.

Reason: To ensure safe and suitable access to the site in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

COMPLIANCE

30. Landscape Management Compliance

The landscaping and ecological features (landscape drawings CA2024-LDBY-03 Rev H (Landscape Proposals Overall), CA2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document), together with those subsequently required for approved under Condition 25(b) for the Leadon Way boundary, shall be managed and maintained in full accordance with the approved Landscape Planting Methodology and Aftercare document for a minimum period of ten years from the date of implementation, unless otherwise agreed in writing by the Local Planning Authority.

Any trees, hedgerows, or other planting which, within this period, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To secure the long-term establishment of landscaping and associated biodiversity enhancements, in accordance with Policies LD1, LD2, LD3 and SD1 of the

Herefordshire Local Plan - Core Strategy, Policies BE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

31. Unexpected contamination

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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

32. Hours of operation (foodstore)

The foodstore hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays and 08:00 to 17:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan - Core Strategy, Policy BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

33. Retail floorspace restriction (foodstore)

The net sales area of the foodstore hereby permitted shall not exceed 1,100 square metres.

Reason: To ensure that the scale and nature of retail provision remains consistent with the assessed impact and justification for the proposal, and to ensure the development does not result in significant adverse impact on the vitality and viability of Ledbury town-centre, in accordance with the National Planning Policy Framework, Policy EE3.2 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy.

34. Restriction on product lines

The retail unit hereby approved shall be used as a Class E(a) retail food store only and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 3,500 individual product lines. No increase in the number of product lines shall be permitted without the prior written approval of the Local Planning Authority.

Reason: To define the terms of this permission and in order to protect the vitality and viability of existing centres and to ensure the store retains its status as a limited product line discount retail food-store, in accordance with the provisions of Policy EE3.2 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy

List of Background Papers (Section 100D of the Local Government Act 1972)

Available at www.herefordshire.gov.uk, ,

- Design & Access Statement (HTC Architects);

- **Planning & Retail Statement (CarneySweeney);**
- **Transport Assessment (Corun);**
- **Travel Plan (Corun);**
- **Landscape and Visual Impact Assessment (LVIA) (Corscadden Associates);**
- **Landscape Appraisal Graphic Appendix (Corscadden Associates);**
- **Planting Methodology & 10 Years Aftercare (Corscadden Associates);**
- **Environmental Colour Assessment (Waygood Colour)**
- **FRA & Drainage Strategy (Waterco);**
- **Ecological Appraisal and BNG Assessment (Biodiverse);**
- **Noise Assessment (Inacoustic);**
- **Air Quality Assessment (SLR Consulting);**
- **Ground Investigation Report – Phase 1 & 2 (Remada);**
- **Tree Survey & Arb Impact Assessment (ArbTS);**
- **The Good Food Report (Sustainability Report) TN01 - Response to Highway Comments, Apr 2025**
- **BioC23-057-Lidl Ledbury Biodiversity Statement V1.5**
- **Surface Water Mitigation Note, Waterco, Mar 2025**
- **CSC1086 Ledbury app Cumulative Assessment 31.03.2025**
- **CSC1086 Ledbury app Cumulative Assessment 09.06.2025 (updated)**
- **Road Safety Audit**
- **EIA Screening Matrix and Formal Screening Opinion (18 March 2026)**
- **Herefordshire Town Centre and Retail Assessment (HTCRA 2022)**
- **Ledbury Neighbourhood Development Plan (2023)**
- **Herefordshire Local Plan – Core Strategy (2011–2031)**
- **Inspector’s Decision Letter APP/W1850/W/21/3279731 (21 Sept 2022)**
- **Minutes of Planning & Regulatory Committee (3 September 2025) (Appendix 2)**
- **Draft Section 106 Agreement**
- **All internal consultee responses**
- **All external consultee responses**
- **All public representations received during consultation**
- **Relevant correspondence from the applicant/agent during processing of the application**
- **Application Forms and Certificates (including ownership certificates, notices, validation documents)**
- **Submitted plans and drawings (full schedule already listed under “Approved Plans” condition.**

Appendices

Appendix 1 -

- a) **Retail Planning Consultant – July 2025**
- b) **Retail Planning Consultant – April 2025**
- c) **Retail Planning Consultant – March 2025**

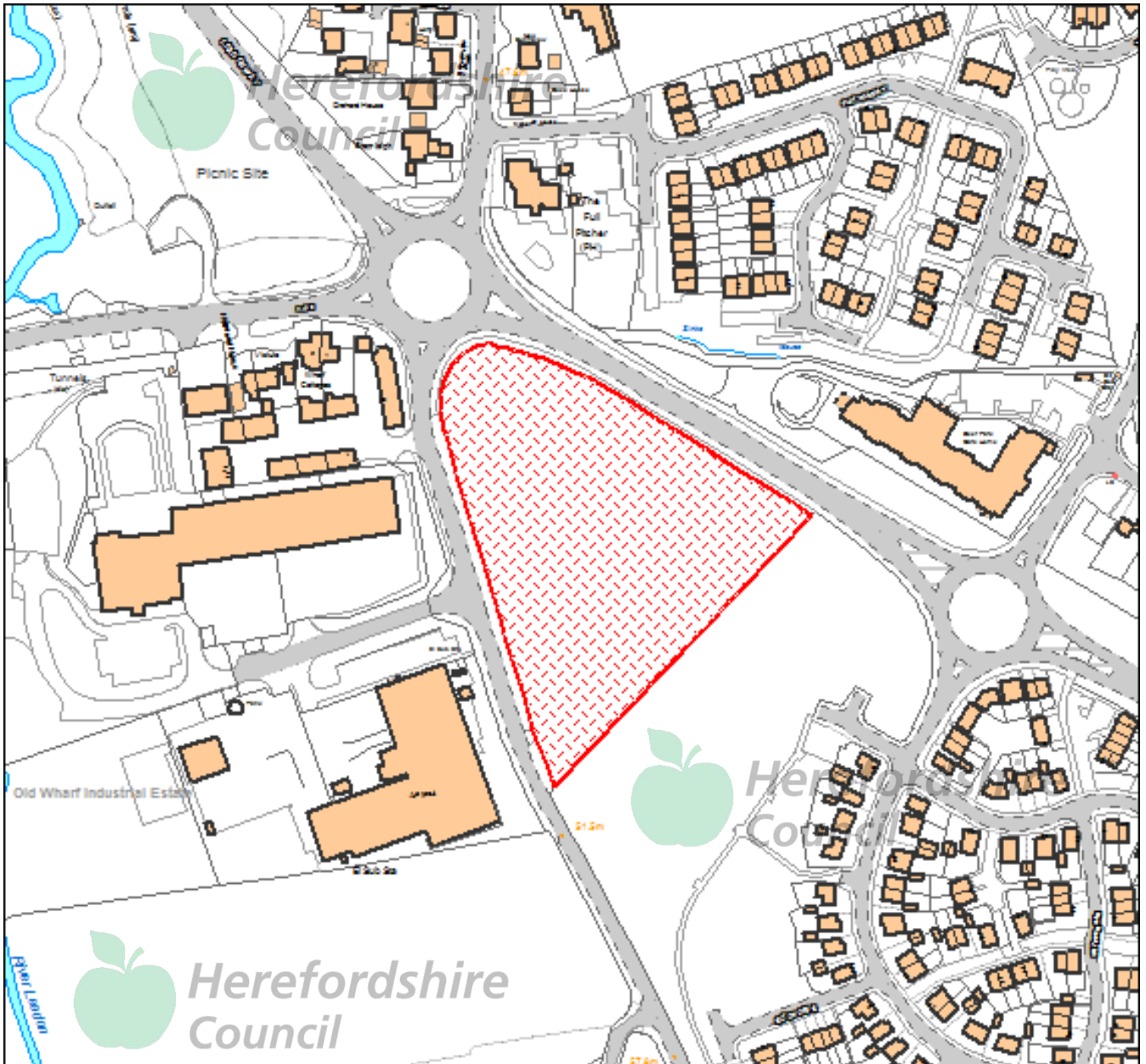
Appendix 2 - Minutes of the 3 September 2025 Planning Committee meeting for application 242783.

Decision:

Notes:

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504



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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

APPLICATION NO: 242783

SITE ADDRESS : LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216),
LEDBURY, HEREFORDSHIRE

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Planning Application for a Discount Foodstore, Land South of Leadon Way, Ledbury (Application Reference P242783/O)

Update to Retail and Town Centre Appraisal (July 2025)

1. Herefordshire Council (hereafter referred to as 'the Council') originally instructed Nexus Planning in March 2025 to provide advice in respect of a hybrid planning application seeking full planning permission for a day nursery (Class E(f)) and a Class E foodstore, and outline planning permission for the erection of a medical centre, at land south of Leadon Way and east of Dymock Road in Ledbury. The original planning application submission was accompanied by a Planning and Retail Statement ('PRS') prepared by CarneySweeney, dated October 2024.
2. The purpose of the original appraisal report published in March 2025 was to consider the merits of the application proposal in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').
3. Subsequent to our March 2025 Appraisal, additional information in respect of the cumulative impact position to include the committed Home Bargains store in Ledbury was provided by CarneySweeney, and the Council received 3rd Party representations issued by Stantec on behalf of the Co-operative Group.
4. On the back of receiving the additional information, Nexus then produced an updated note in April 2025 to provide a response which took account of the above additional submissions.
5. CarneySweeney have now provided a further updated cumulative impact assessment to the Council via email in June 2025, which takes into account the updated benchmark sales density for the proposed retailer, published by GlobalData in March 2025.
6. Within their supporting email to the case officer, CarneySweeney provide a comparison of the previously adopted sales density as of December 2024, compared to those which have now been adopted in the latest submission.
7. Importantly, the comparison of the figures indicates that the convenience sales density for the proposed Lidl store will increase from £5,764 per sq.m to £6,902 per sq.m. As noted in our original appraisal, although the foodstore will sell an element of comparison goods, this will be limited and is unlikely to have a material impact on any defined centre. As such, our assessment considers the impact of the convenience turnover of the proposal only. The resultant convenience turnover in the latest submission (excluding inflow) is £6.1m at 2029.
8. Using the above updated turnover, the cumulative impact position at 2029 presented by CarneySweeney at Table 8b on Ledbury town centre is expected to be -4.3% (up from the -4.0% presented previously).
9. In calculating the total impact on Ledbury town centre (see Table 8B of the June 2025 submissions), all of the named convenience destinations are taken account of. This list, as set out by CarneySweeney, is taken from the 2022 Retail and Leisure Study. It is noted that this list includes (amongst others) Abbey Bakery which ceased trading some years ago. As respondents to the household survey provided this as an answer when asked where they last shopped for convenience goods in 2022, then it is likely that there will have been an alternative operator which was locally known as 'Abbey Bakery' at the time of the survey. Should there no longer be a corresponding operator trading in the town centre, it is highly likely that any expenditure directed to that specified retailer at the time of the 2022 Study, will have been redistributed to other businesses in the town centre. As such, we are of the view that the total convenience turnover of the town centre remains appropriate.
10. In any event, the consideration of the acceptability of the proposal on the town centre has been undertaken on the basis of the potential impact on the individual stores in the centre and on the overarching vitality and viability of the centre as a whole. This has taken into account the nature and offer of existing convenience operators in the town centre and the potential implications the proposal could have on these.

11. In terms of the cumulative impact on Ledbury town centre and the associated implications, the latest submissions have not altered our previous conclusions reached within our March 2025 Appraisal or our April 2025 Update Note. For ease of reference, our previous conclusions reached were as follows:
 - a. We are of the view that the town centre is generally vital and viable and although the two edge of centre stores provide important convenience shopping provision for shoppers, the stores and the wider centre are sufficiently diverse and healthy to withstand the level of diversion set out by CarneySweeney and assessed by Nexus.
 - b. We consider that given the proposal's scale, the centre's health, the wider commercial provision within Ledbury town centre and the provision of out of centre convenience facilities from which the proposal will divert trade from, the potential impact of the proposal is unlikely to be significantly adverse. This is principally due to the convenience trade diversion being moderate and the centre being generally vital and viable.
 - c. Furthermore, we are of the view that residents and visitors alike will still need to visit the town centre to meet their wider commercial needs. Overall, we do not anticipate that there will be any material reduction in the vitality of the centre arising from the loss of linked trips related to the proposal (as these may be undertaken by car or may occur at other times).
12. Overall, we do not consider that the marginal uplift in the convenience turnover of the proposal alters our previous conclusions reached. Although there are some relatively high cumulative impact figures presented in respect of individual stores within the centre, we are not of the view that this level of trade diversion will result in a significant adverse impact on the overarching vitality and viability of the centre. This conclusion is reached having regard to the nature of the proposal and the overall offer of the town centre, as we set out above.
13. Taking the above into account, we are satisfied that the proposal complies with Local Plan Policy E5, insofar as we are of the view that it will not have a significant adverse impact on town centre investment or on the vitality and viability of the centre.

Planning Application for a Discount Foodstore, Land South of Leadon Way, Ledbury (Application Reference P242783/O)

Update to Retail and Town Centre Appraisal

1. Herefordshire Council (hereafter referred to as 'the Council') instructed Nexus Planning in March 2025 to provide advice in respect of a hybrid planning application seeking full planning permission for a day nursery (Class E(f)) and a Class E foodstore, and outline planning permission for the erection of a medical centre, at land south of Leadon Way and east of Dymock Road in Ledbury. The original planning application is accompanied by a Planning and Retail Statement ('PRS') prepared by CarneySweeney, dated October 2024.
2. The purpose of the original appraisal report is to consider the merits of the application proposal in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').
3. Subsequent to our March 2025 Appraisal, the following have been submitted to the Council in respect of the application proposal:
 - A cumulative impact assessment prepared by CarneySweeney to include the committed Home Bargains store in Ledbury; and
 - An additional 3rd party consultation response issued by Stantec on behalf of the Co-operative Group.
4. The purpose of this update note is to provide Nexus' consideration of the additional information submitted and to provide our overarching recommendations in respect of the proposal's compliance with the impact policy tests. Our previous conclusions reached in respect of the sequential test remain unaltered.
5. We provide our analysis in respect of CarneySweeney's cumulative assessment in the first instance and then move on to providing our consideration of Stantec's representations.

The Cumulative Impact Position

6. CarneySweeney's cumulative impact assessment includes the following:
 - a. The inclusion of the updated average sales density for the proposed Lidl store, to take account of the GlobalData 2024 data; and
 - b. The inclusion of Home Bargains as a commitment at New Mills Industrial Estate.
7. Turning firstly to (1) above, it is worth noting that our March 2025 Appraisal commented on the appropriateness of the sales densities adopted by CarneySweeney at paragraphs 4.25 to 4.27. Our overarching conclusion was that although CarneySweeney had not updated their impact assessment to reflect the latest figures, the turnover of the proposal would in fact decrease, resulting in decreased levels of trade diversion and impact. It is therefore noted that the impact assessment has now been updated to take account of the latest sales density figures and we have no further comments to make in respect of this part of the assessment. Overall, we are satisfied with the approach adopted.
8. Turning secondly to (2) above, CarneySweeney have adopted the convenience and comparison turnovers of the proposed Home Bargains floorspace and the assumed trade diversions taken directly from the approved Planning and Retail Assessment for application reference P241353/F.
9. Given the nature of the Home Bargains proposal and its location, we are satisfied with the levels of trade diversion applied.

10. Taking the above into account, the cumulative impact position at 2029 presented by CarneySweeney on Ledbury town centre is expected to be -4%, and the cumulative impact on larger out of centre stores expected to be around the -10% mark. It is important to note that the latter are not protected by planning policy given their out of centre locations. In terms of the cumulative impact on Ledbury town centre, this has not altered our previous conclusions reached within our March 2025 Appraisal. For ease of reference, our previous conclusions reached were as follows:
 - a. We are of the view that the town centre is generally vital and viable and although the two edge of centre stores provide important convenience shopping provision for shoppers, the stores and the wider centre are sufficiently diverse and healthy to withstand the level of diversion set out by CarneySweeney and assessed by Nexus.
 - b. We consider that given the proposal's scale, the centre's health, the wider commercial provision within Ledbury town centre and the provision of out of centre convenience facilities from which the proposal will divert trade from, the potential impact of the proposal is unlikely to be significantly adverse. This is principally due to the convenience trade diversion being moderate and the centre being generally vital and viable.
 - c. Furthermore, we are of the view that residents and visitors alike will still need to visit the town centre to meet their wider commercial needs. Overall, we do not anticipate that there will be any material reduction in the vitality of the centre arising from the loss of linked trips related to the proposal (as these may be undertaken by car or may occur at other times).
11. Taking the above into account, we are satisfied that the proposal complies with Local Plan Policy E5, insofar as we are of the view that it will not have a significant adverse impact on town centre investment or on the vitality and viability of the centre.

The Updated Stantec Consultation Response

12. The April 2025 Stantec representations provide comments on two key matters. The first provides observations in respect of CarneySweeney's updated retail assessment, and the second is on the overarching planning balance. Again, we turn to each of the matters in turn below.
13. Stantec state that CarneySweeney: '**...attempt to divert attention from the high levels of convenience trade diversion impact on individual town centre foodstores by focusing on the predicted trade diversion impact on the town centre as a whole**'.
14. Whilst we note Stantec's concerns in respect of the impact on individual stores within the town centre, Nexus has provided our own consideration of this matter within our original March 2025 Appraisal, the findings of which remain unaltered following the submission of the cumulative impact assessment.
15. In this regard, we provide commentary from paragraphs 4.47 onwards in respect of the potential trade diversion and impact from individual stores within Ledbury town centre, concluding that the town centre and individual stores would likely withstand the level of diversion assumed, and that the overarching impact would not be significantly adverse. Again, our conclusions reached have not altered.
16. Stantec's second substantive point within their representations provides commentary in respect of the planning balance, referencing paragraph 95 of the NPPF. Again, whilst we note the point made by Stantec, it is not our view that the impact would be significantly adverse.
17. In any event, it has been established in case law¹ that the wording of paragraph 95 does not create a presumption for a particular course of action, and that the normal planning balance should be applied.

¹ Asda Stores v Leeds City Council [2021] EWCA Civ 32

**Planning Application for a
Discount Foodstore, Land
South of Leadon Way,
Ledbury (Ref. P242783/O)**

Appraisal of Retail and Town Centre Issues

ON BEHALF OF HEREFORDSHIRE COUNCIL

March 2025

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1. Introduction

Instruction

- 1.1 Herefordshire Council (hereafter referred to as 'the Council') has instructed Nexus Planning to provide advice in respect of a hybrid planning application seeking full planning permission for a day nursery (Class E(f)) and a Class E foodstore, and outline planning permission for the erection of a medical centre, at land south of Leadon Way and east of Dymock Road in Ledbury.
- 1.2 The application proposal is for full permission for a 1,100 sq.m (net) foodstore, alongside a daycare nursery and outline consent for a medical centre. The planning application is accompanied by a Planning and Retail Statement ('PRS') prepared by CarneySweeney, dated October 2024.
- 1.3 The purpose of this appraisal report is to consider the merits of the application proposal in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF').

Proposal, Application Site and Context

- 1.4 The site subject to the application submission comprises a broadly triangular parcel of land located at the junction of Leadon Way and Dymock Road, on the south of the settlement of Ledbury. The site is an undeveloped green field.
- 1.5 The hybrid application relates to the development for the construction of a convenience foodstore, a daycare nursery and a medical centre (due to be submitted in outline form only).
- 1.6 The proposed foodstore, which is the focus of this appraisal, will measure 1,100 sq.m (net) which is proposed to be split into 880 sq.m net convenience and 220 sq.m net comparison sales areas.
- 1.7 An application for a foodstore measuring a total of 1,410 sq.m (net) was refused by the local authority in January 2021 (reference 201718) and subsequently dismissed at appeal in September 2022 (reference APP/W1850/W/21/3279731). The main issue identified by the Inspector related to the potential impact of the proposal on the vitality and viability of Ledbury town centre. The Inspector's overarching conclusion is provided at paragraph 62 of the decision, which states:

'I am cognisant that the long term success of Ledbury Town Centre relies on multiple factors. But the retail elements of the scheme appealed would be a substantial long term reason for local residents not to visit it. It would run counter to adopted strategic aims which reinforce the status of the town centre as the main shopping destination for local people. The overall effect would be significantly adverse.'
- 1.8 The appeal decision and the background associated with the appeal has been taken account of in drafting this appraisal.
- 1.9 We also note that representations have been made by Stantec on behalf of the Co-operative Group, dated 5 February 2025. Stantec raise a number of concerns in respect of the proposal which we have ensured are dealt with as part of this response (where relevant).

Structure of Our Report

- 1.10 In the above context, our appraisal focuses on the proposal's compliance with retail and town centre planning policy as set out by the statutory development plan and by the NPPF.
- 1.11 General planning policy matters and wider material considerations fall outside the scope of our instruction, and it will be necessary for the Council to take appropriate account of such matters in its determination of the application at the relevant time.
- 1.12 Furthermore, and notwithstanding our overall advice as to whether the application 'passes' or 'fails' the sequential and impact tests, the local planning authority as part of its overall decision taking will need to give due consideration to the 'planning balance' and the general presumption in favour of sustainable development.
- 1.13 We also advise at the outset that, if the Council does resolve to grant permission, the consent should be the subject of reasonable conditions to restrict the permitted floorspace to that specified in the application submission. Should planning permission be approved, specific conditions should be applied to restrict the use of retail units such that the proposal trades in practice in a manner consistent with that set out by CarneySweeney in the PRS.
- 1.14 Our report is structured as follows:
- Section 2 sets out the retail and town centre planning policy of relevance to the application proposal;
 - Section 3 provides a review of the sequential assessment adopted by the applicant;
 - Section 4 considers the acceptability of the likely impacts arising from the proposal; and
 - Section 5 sets out our conclusions in respect of the proposal's compliance with retail and town centre planning policy.

2. Planning Policy Context

2.1 We identify below the principal planning policies of relevance to retail and town centre matters.

National Planning Policy Framework

2.2 The most recent iteration of the NPPF was published in February 2025. It emphasises the Government's commitment to securing economic growth and building a strong, responsive and competitive economy. With regard to the assessment of proposals for main town centre development, the revised NPPF provides two principal national policy tests relating to the sequential approach to development and to impact.

2.3 In respect of the first of the two tests, paragraph 91 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are neither within an existing centre nor in accordance with an up-to-date plan.

2.4 Paragraph 91 goes on to state that:

'Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

2.5 Paragraph 92 then identifies that:

'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

2.6 Paragraph 94 of the NPPF sets out a twin impact test, stating that:

'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace). This should include assessment of:

- **the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and**
- **the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).'**

2.7 Paragraph 95 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, this direction cannot extinguish the requirement set out in statute to first consider development plan policy and then all material considerations in assessing the 'planning balance' when making a decision.

2.8 It should be noted that the Annex 2 Glossary of the NPPF identifies that the 'centre' for the purpose of retail is identified with reference to the primary shopping area.

Adopted Development Plan

2.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that:

'...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.'

2.10 The statutory development plan for Herefordshire is the Local Plan Core Strategy 2011-2031, which was adopted in October 2015 and the Ledbury Neighbourhood Development Plan, which was adopted in March 2023.

Local Plan Core Strategy

2.11 Local Plan Policy E5 focuses on town centres. It states that town centres will be the focus for retail, commercial, leisure, cultural, and tourism uses. Proposals for such uses which contribute to the vitality and viability of the town centres of Hereford and the market towns will be supported, provided that they do not:

- adversely affect the primary function of the town centres as shopping destinations; and
- are of a scale and design appropriate to the size, role, character and heritage of the centre.

2.12 Proposals located outside of town centres will be required to demonstrate compliance with the sequential test, and that the proposals would not have a significant adverse impact on the vitality and viability of relevant centres.

2.13 An impact assessment for retail, leisure and commercial proposals outside of the town centres may be required with reference to the thresholds set out at paragraph 5.2.27 of the Local Plan. These are as follows:

- Hereford - 700 sq.m;
- Ledbury, Leominster and Ross-on-Wye - 400 sq.m; and
- Bromyard and Kington - 200 sq.m.

2.14 Within town centres, retail uses will be concentrated within the primary shopping areas as defined by Local Plan Policy E6. It is clear from the above, that as the proposal falls above the local impact threshold, then a full impact assessment is required.

2.15 Specific 'Place Shaping' policies for Ledbury are contained within paragraphs 4.5.1 of the Core Strategy. Policy LB1 notes that the principal focus for new housing development will be to the north of the town, and in respect of new retail development states:

'Within Ledbury, new development proposals will be encouraged where they:

- **maintain and enhance the vitality and viability of the existing town centre. Proposals for new retail, leisure or office development of over 400m² in gross floor space and located outside the town centre will need to be supported by an impact assessment to determine whether there could be any adverse impacts on the town centre;**
- **improve accessibility improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre.'**

2.16 It is indicated that any specific proposals to meet identified needs will be considered through a Neighbourhood Development Plan.

Ledbury Neighbourhood Development Plan

2.17 The previous appeal was determined in the context of the Ledbury Neighbourhood Plan (NDP) adopted in 2018. Since then, a review of the NDP has been undertaken, which was adopted in March 2023.

2.18 Objective EE3 of the NDP remains and is set out below:

‘Promote the Town Centre as the destination of choice for retail, leisure and community activities, in order to enhance the appearance and historic character of the town.’

2.19 Policy EE3.1 ‘Retail Areas & Provision’ also remains and focusses on policy requirements in the town centre and designation of primary and secondary shopping frontages (shown in Map 12).

2.20 Policy EE3.2 is a new policy which states:

‘The Defined Town Centre The Ledbury Town Centre Policies Map (Map 12) defines Ledbury town centre for the purposes of Herefordshire Local Plan Core Strategy policies E5 and LB1 (bullet two). Proposals for new retail, leisure or office development of over 400m² in gross floor space and located outside this defined town centre will need to be supported by an impact assessment to determine whether there could be any adverse impacts on the town centre. New town centre development within this area will be expected to retain or enhance existing pedestrian access, provision for cyclists, servicing and parking spaces.’

2.21 The Town Centre Policies Map (Map 12) is an updated version of that shown in the NDP 2018. Both the primary shopping frontages (Policy EE3.1) and town centre boundary (Policy EE3.2) have been amended. Of particular relevance to this proposal is the fact that the primary shopping frontages and defined town centre are more extensive than previously shown, and both now include the Co-op store.

Overview in Respect of Relevant Retail and Town Centre Planning Policy

2.22 Local Plan Policy E5 is broadly consistent with national retail planning policy as set out in the NPPF, in respect of outlining a requirement to comply with the sequential approach to development and the retail impact test. Both national and local policy tests identify that retail proposals should be considered with reference to the primary shopping area.

2.23 As such, we first consider the application proposal’s compliance with the key retail tests as articulated by national planning policy, before then returning to the matter of the proposal’s compliance with the relevant retail policies of the development plan. In respect of the sequential test, we note that the Council Officers have determined that the application is consistent with the requirements of the test.

2.24 We set out Nexus Planning’s view in respect of the proposal’s compliance with the sequential and impact tests in the following section.

3. The Sequential Test

Requirements of the NPPF and Planning Practice Guidance

- 3.1 Paragraph 91 of the NPPF sets out the order of preference in applying the sequential approach. The first preference is for main town centre uses development to locate in town centres, followed then by edge of centre locations, and only if no other suitable sites are available should out of centre sites be considered.
- 3.2 Paragraph 92 indicates that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.3 Additional guidance on the application of the sequential approach is provided by the Town Centres PPG, which was last updated on 18 September 2020.
- 3.4 Paragraph 010 of the Town Centres PPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
 - With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 3.5 In this instance, the application site is located in an out of centre location. Accordingly, there is a need to consider in-centre, edge of centre and well located out of centre sites in applying the sequential test.
- 3.6 In order to establish the context for the consideration of alternative sites, we first summarise how the Courts and the Secretary of State have considered the matter of flexibility in applying the sequential test, before then reviewing the appropriateness of the site search parameters identified by the applicant.

Suitability and Flexibility

- 3.7 Case law has emphasised that the 'suitability' of sequential alternatives must be considered with reference to the subject application proposal and whether the proposal (or a variant thereof, allowing for some flexibility in respect of its format) could be accommodated at a sequentially preferable location.
- 3.8 In particular, it is appropriate to take into account the *Tesco Stores Limited v Dundee City Council [2012] UKSC 13* Supreme Court judgment which gave specific consideration to the meaning of 'suitable' in respect of the application of the test.
- 3.9 Paragraph 38 of the Dundee judgment states that:

‘The issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism...they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so.’ (Our emphasis.)

3.10 The Supreme Court has jurisdiction over England and, whilst there is a clearly need to consider its findings in the appropriate local policy context, both the Courts and the SoS have found the direction to apply the test ‘in the real world’ to be of some relevance to the English planning system. This is demonstrated by the ‘call in’ decision in respect of an application by LXB RP (Rushden) Limited to provide for large-scale retail-led development at land adjacent to Skew Bridge Ski Slope at Rushden Lakes¹.

3.11 Paragraph 8.46 of the Rushden Lakes Inspector’s Report states that:

‘It is important to bear in mind that the sequential test as set out in NPPF require applications for main town centre uses to be located in town centres and it then runs through the sequence, edge and then out-of-centre. This makes good the very simple point that what the sequential test seeks is to see whether *the application* i.e. what is proposed, can be accommodated on a town centre site. There is no suggestion here that the sequential test means to refer to anything other than the application proposal. So Dundee clearly applies to the NPPF.’ (Inspector’s emphasis.)

3.12 Paragraph 15 of the SoS’s decision letter endorses the Inspector’s conclusions in this regard.

3.13 It is helpful to further qualify the direction provided by the above cases by also acknowledging that the Courts have found that an individual operator’s particular requirements are not generally of relevance in applying the sequential test. In considering proposals for a discount foodstore in Mansfield (Aldergate v Mansfield District Council & Anor [2016] EWHC 1670 (Admin)), Ouseley J concludes (at paragraph 35 of the Judgment) that:

‘In my judgment, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.’

3.14 The above three cases are widely referred to in applying the sequential test. Whilst the exact requirements with regard to flexibility will depend on the prevailing circumstances for each proposal, we believe it to be clear that:

- sequential alternative sites should be able to accommodate a broadly similar form of development as the application proposal (allowing for flexibility in respect of format and scale) in the ‘real world’ in which developers operate; and that
- operators’ distinct models are not generally of direct relevance to the test, and as such sequential alternatives should not be discounted due to individual operator preference.

Area of Search and Parameters

3.15 The proposal seeks consent for the construction of a Class E discount foodstore with associated access, car parking, servicing and wider works, alongside the daycare nursery and medical centre.

¹ Planning Inspectorate reference APP/G2815/V/12/2190175.

- 3.16 As noted by CarneySweeney, the site is allocated under NDP Policy EE1.2 for sensitive proposals falling within, inter alia, Use Class E(e) (Medical services), and E(f) (Day Nursery). Accordingly, the site is considered sequentially preferable for the delivery of these proposed uses. However, the site is not allocated for Class E(a) Uses and is therefore the focus for the sequential test. In this regard, the assessment is rightly considering the foodstore on its own for the purposes of the sequential test, taking account of the need to disaggregate elements of the proposal in certain instances.
- 3.17 The site search requirements are provided by CarneySweeney at paragraph 6.5.5. These are as follows:
- a minimum net floorspace of c.1,200sqm on a single level (we assume this is meant to read 1,100 sq.m);
 - approximately 100 adjacent surface level parking spaces. A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;
 - A site that can allow for the safe manoeuvring of customer vehicles and delivery vehicles on site;
 - A prominent site with the ability to attract passing trade;
 - A site that is easily accessible by a choice of means of transport; and
 - Provision of a dedicated service area to the rear of the store, including the ability to accommodate HGVs.
- 3.18 Reviewing the general operator requirements for foodstores including Aldi and Lidl, Nexus is generally satisfied with CarneySweeney’s approach as set out above, and consider the level of flexibility applied to be broadly appropriate.
- 3.19 A number of sites are identified by CarneySweeney, and we provide a summary below in respect of their consideration of the availability and suitability of sites and Nexus’ overarching conclusions. We also take account of the findings previously set out as part of the appeal, and the considerations provided in respect of the sites assessed.

Consideration of Sequential Alternative Sites

3.20 Table 3.1 below provides a summary of the sites assessed for the purposes of the sequential assessment.

Table 3.1: Assessment of Sequential Alternatives

Site	CarneySweeney Considerations	Nexus Considerations
Site 1 - Bye Street Car Park	<p>CarneySweeney notes that the site measures 0.15ha and is in current use as a town centre car park, providing approximately 70 parking spaces.</p> <p>The site is bound by existing residential and commercial uses, with access off Bye Street.</p> <p>CarneySweeney state that the site is too small to accommodate the proposal, even when allowing a reasonable degree of flexibility. Furthermore, CarneySweeney state that the site is not being actively marketed and there is no clear indication that the landowner would be willing to sell the site. On this basis, CarneySweeney state that the site is not available.</p> <p>Overall, CarneySweeney conclude that the site is not available or suitable to accommodate the proposal.</p>	<p>Nexus is satisfied that due to the site’s size and wider context, it is not a suitable alternative to accommodate the proposal, even when applying a sufficient degree of flexibility. Relocating the proposed foodstore to the site at Bye Street would not result in the delivery of a broadly similar proposal.</p> <p>In terms of the site’s availability, we note that there is no obvious indication that the site could be purchased and that there is no available marketing material. Overall, we agree that it is unlikely that the site would become available within a reasonable timeframe.</p> <p>As such, we are satisfied that the site does not represent an available and suitable alternative for the proposed development.</p>

Site	CarneySweeney Considerations	Nexus Considerations
Site 2 - Ledbury Park	<p>In terms of Site 2, CarneySweeney note that Ledbury Park forms part of the historic gardens and that the entirety of the park lies within an AONB. The site is also affected by a number of TPOs.</p> <p>CarneySweeney state that the site is not considered to be suitable for a mixed-use commercial development due to the level of environmental and heritage planning policy protection. Furthermore, the site is not considered to be available.</p>	<p>Nexus is satisfied that due to the site’s current active use and associated heritage and environmental protection, that it does not represent a suitable alternative to accommodate the proposal.</p> <p>Furthermore, we agree that the site is not available to accommodate the proposal.</p>
Site 3 - Public Park, Orchard Lane	<p>CarneySweeney note at paragraph 6.6.18 that he site measures approximately 0.9ha. Its consists of public open space including football pitches. The site is bound be Orchard Lane to the north, residences to the east, a footpath to the west and playground to the south.</p> <p>CarneySweeney then state that they understand the site is Council owned and is not being actively marketed and therefore is not considered to be available for the purposes of the test.</p> <p>Overall, it is concluded that the site is not available or suitable to accommodate the proposal.</p>	<p>Nexus is satisfied that due to the site’s current active use and associated policy protection in terms of the loss of public open space, it does not represent a suitable alternative to accommodate the proposed development.</p> <p>As such, although the availability of the site has not been fully confirmed by the applicant, the site does not represent a suitable alternative for the proposed development.</p>

3.21 In addition to the above, CarneySweeney refer to their healthcheck undertaken within Ledbury town centre, which identified 20 vacant units in the centre. They state that none of the vacant units identified are of a sufficient scale to accommodate the proposal. We are satisfied with CarneySweeney’s conclusions reached in respect of the remaining vacant units within the centre, and that there are none which are of a suitable size to accommodate the proposal.

Conclusion in Respect of the Sequential Test

- 3.22 Nexus has undertaken a detailed review of the sites, units and other opportunities identified by CarneySweeney within their submission. Our analysis has considered the availability and suitability of these potential opportunities to accommodate the proposed development, even when applying a sufficient degree of flexibility in accordance with policy.
- 3.23 Overall, we are satisfied that it is unlikely that there are no alternative sites which can be considered to be both available and suitable to accommodate the proposal. It is also noted that the Inspector also previously concluded that the sequential test had been passed as part of the previous appeal. We are not aware of any material changes since that conclusion was reached, and therefore are of the view that the same conclusions must apply now.
- 3.24 We also note CarneySweeney’s commentary at paragraphs 6.6.24 and 6.6.25 in respect of the pre-application discussions with the Council, and in particular the confirmation from officers that no further sites had been identified to be included within the sequential assessment.
- 3.25 Given the above, we are satisfied that the proposal complies with Policy E5 insofar as it relates to the sequential test, and paragraphs 91 and 92 of the NPPF.

4 The Impact Test

Requirements of the NPPF and the Town Centres and Retail PPG

4.1 Paragraphs 94 and 95 of the NPPF indicate that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from development.

4.2 In assessing the significance of impacts arising from development, it is necessary to reflect upon the advice set out in the Town Centres PPG. In this regard, paragraph 017 states that:

‘A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.’ (Our emphasis.)

4.3 It should also be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition, and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a ‘significant adverse’ impact.

4.4 Paragraph 016 of the Town Centres PPG is also of some relevance in considering how the impact test should be applied. It states that:

‘As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.’

4.5 In the local area, we anticipate that the foodstore will trade most directly against the other large format convenience stores located within, on the edge of and outside of Ledbury town centre.

4.6 We set out below our appraisal of the application proposal’s compliance with the two key impact tests identified by paragraph 94 of the NPPF.

4.7 The tests relate to:

- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

Impact of the Proposal on Existing, Committed and Planned Public and Private Sector Investment in a Centre or Centres in the Catchment Area of the Proposal

4.8 Paragraph 7.5.2 of the PRS quotes paragraph 44 of the appeal decision, which notes that the main parties agreed that there were no impacts to existing, committed and planned and private investments in the catchment area of the scheme which are considered to apply.

4.9 CarneySweeney then go on to state that they are not aware of any material changes in respect of any investment proposals coming forward subsequent to the appeal decision and that therefore, the proposal is unlikely to give rise to a significant adverse impact.

- 4.10 Nexus agrees with CarneySweeney’s analysis, and consider that the proposal is unlikely to have a significant adverse impact on existing, committed or planned in centre investment and therefore complies with the first part of the impact test.

Impact of the Proposal on Town Centre Vitality and Viability

- 4.11 We provide below our appraisal of the principal inputs and assumptions relied upon by the applicant in assessing the impact of the convenience goods floorspace within their PRS.
- 4.12 At the outset, based on the net comparison floorspace presented in the PRS, we recognise that the comparison goods floorspace associated with the proposal is limited and that, in practice, this element of the proposal will likely trade against a wide range of destinations (including online retailers and other foodstores situated in out of centre locations). The comparison goods offer of a discount foodstore is qualitatively different to that evident in Ledbury town centre (which is the centre of greatest relevance in respect of retail impact).
- 4.13 In this context, it is also relevant to note that household shopper surveys can often understate the comparison goods turnover of foodstores. Given that the comparison goods turnover of the application proposal will be diverted in part from foodstore locations, it is our view that a monetary trade diversion impact assessment relating to this part of the proposal may be somewhat imprecise. A convenience goods trade diversion assessment is generally more accurate and a more appropriate basis upon which to determine the acceptability of the subject proposal.
- 4.14 Given the nature of the comparison goods floorspace and its limited turnover as presented in the PRS, we believe it to be clear that there would be no significant adverse impact arising from the comparison goods floorspace, subject to the convenience goods floorspace being acceptable.

Assessment Period

- 4.15 The applicant undertakes its impact assessment based on a test year of 2027, and then also 2029.
- 4.16 Paragraph 017 of the Town Centres PPG specifically directs that the design year for impact testing should be the year that the proposal has achieved a ‘mature’ trading pattern. It states that this is conventionally taken to be the second full calendar year of trading after the opening of a new retail development.
- 4.17 We consider that a development of this nature would likely be trading by 2026 or 2027. On this basis, 2029 is considered an appropriate design year.

Baseline Position

- 4.18 CarneySweeney derives the ‘pre-impact’ turnover of existing grocery retailers and defined centres from the Herefordshire Town Centre and Retail Assessment 2022 (‘HTCRA’) which was authored by Nexus.
- 4.19 CarneySweeney has adopted a 2020 price base in accordance with the Retail Assessment and has used the population and per capita expenditure provided within the HTCRA. CarneySweeney have then used the Experian Retail Planner Briefing Note 21, published in February 2024 to calculate the forecasted online sales and growth in floorspace efficiencies.
- 4.20 The turnover of existing destinations within and surrounding Ledbury are calculated by multiplying the market share attracted to each destination recorded in the household survey, by the available convenience expenditure within each zone.

- 4.21 We are satisfied with CarneySweeney’s approach in calculating the pre-development turnovers of the existing convenience destinations presented within the PRS.

Turnover of the Application Proposal

- 4.22 CarneySweeney estimates the turnover of the application proposal at Table 6 of Appendix D of its PRS.
- 4.23 This identifies a convenience goods sales density for Lidl at 2024 of ██████ per sq.m which, based on the identified convenience goods sales area of 880 sq.m, equates to a turnover of ██████ at 2024. CarneySweeney then provide two turnovers at 2027 and 2029, the first which does not account for inflow, and the second which does account for 12% of inflow. On this basis, at 2027, CarneySweeney estimate that the turnover could equate to either ██████ or ██████.
- 4.24 As set out above, whilst we consider the comparison turnover to be broadly reflective of how we envisage the store would trade in practice, given the modest turnover we have not considered the potential impact of this element of the proposal in detail.
- 4.25 We note that Stantec have raised queries in respect of the appropriateness of the source used to calculate the sales density for the proposed store. In doing so, Stantec state:

‘We appreciate that the P&RS was published in October 2024. However, we note that GlobalData released its latest ‘Convenience and Comparison Sales Densities of Major Grocers – 2024e’ in December 2024. We suspect that, if the convenience sales density specified for Lidl within GlobalData’s latest release was used instead of the figure from the 2023 version, the trade impact figures would be higher than those cited within the impact assessment tables. As such, to ensure robustness in decision making, the impact assessment should be updated to reflect the latest sales density figures from GlobalData. We request that we are notified and afforded the opportunity to comment further if necessary.’

- 4.26 Subsequent to the above, Nexus requested that CarneySweeney provided an update to the quantitative impact assessment to reflect the latest figures provided by GlobalData. CarneySweeney responded to the Council on the 4th March 2025, confirming that the updated convenience sales density (at 2020 prices) is ██████ per sq.m, compared to ██████ per sq.m previously provided. As such, the turnover of the proposal would in fact decrease, resulting in the associated impacts also decreasing. Given this, we are satisfied that the impact assessment as presented by CarneySweeney represents a ‘worst case scenario’ and is therefore robust.
- 4.27 Given the above, overall we are satisfied with the calculation of the turnover of the proposal as presented within the PRS.

Patterns of Trade Diversion and Impact

- 4.28 We believe that the potential impact arising from the proposal at any defined centre other than Ledbury town centre would be very limited. This is due to the distance between the application site and other centres, recognising that competing main food shopping competition is dispersed across a number of locations.
- 4.29 We therefore agree with the overarching focus of CarneySweeney’s assessment being on the existing convenience destinations within, on the edge of and outside of Ledbury town centre.
- 4.30 We also agree with CarneySweeney that the highest level of trade is likely to be diverted from the existing out of centre stores, particularly given comparative nature of these stores within the wider Ledbury urban area. Additionally, we agree that the highest proportion of trade will likely be diverted from the Aldi on Leadon way,

followed closely by the Tesco on Orchard Lane due to the comparative nature of the stores and the existing shopping patterns established in the household survey.

- 4.31 Overall, we consider the trade diversion assumptions applied by CarneySweeney within the PRS to be reasonable and appropriately take account of the nature of the stores, their location in the context of the application site and the established shopping patterns identified by the household survey.
- 4.32 CarneySweeney has also provided the relevant calculations in respect of the expected company benchmark performance of existing convenience floorspace at pre and post-development stage. The consideration of the performance of the stores against their company benchmark averages is a useful step in seeking to understand the potential trading implications of the proposal.
- 4.33 The next step in assessing the acceptability or otherwise of a proposal, is to consider the existing health of the relevant defined centre, in order to understand if the proposal could result in an impact which could be considered to be significant adverse. As such, we provide a summary of the assessment of the health of Ledbury town centre, taking account of CarneySweeney's analysis and our own understanding of the characteristics of the centre.

Ledbury's Vitality and Viability

- 4.34 It should be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.
- 4.35 Paragraph 016 of the Town Centres PPG is also of some relevance in considering how the impact test should be applied. It states that:
- 'As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.'**
- 4.36 As such, in order to assess the potential impact a proposal may have on defined centres, the applicant should firstly assess the existing performance and overall health of the identified centres within the catchment area. It can be the case that if a centre is in a poor state, (i.e. vacancy levels are above average, numbers of national multiple retailers are below average, footfall is low, and the overall environment within the town centre is poor), then impacts can be accentuated. Any impacts, even on a seemingly 'healthy' centre, need to be carefully assessed on a case by case basis.
- 4.37 A healthcheck for Ledbury town centre was undertaken by Nexus for the purposes of the Retail Study, based on a survey of the uses in May 2022. At the point of our May 2022 healthcheck, it was concluded that Ledbury has an historic retail core which provides a characterful and attractive retail environment, although similar with other towns in the authority area the town centre lacked modern, purpose built retail premises.
- 4.38 Notwithstanding this, we concluded that the town centre provided a diverse range of operators who are considered to be easily capable of providing for the day-to-day needs of the local community. The centre has also become more diverse in recent years, with comparison goods units being successfully repurposed for service uses.
- 4.39 Overall, although the vacancy rate had increased from 5.4% of units at 2012 to 9.3% at 2022, the vacancy rate remained lower than the national average as at April 2022. Furthermore, these units were located in the more

peripheral parts of Ledbury, with fewer vacant units located in the main retail core along The Homend and High Street. As such, as of May 2022, Ledbury was considered to be vital and viable, and the current vacancy rate in Ledbury was not considered to represent cause for concern.

- 4.40 CarneySweeney has provided an update to the healthcheck and the diversity of uses within the PRS, using composition figures from May 2022, May 2023, January 2024 and then in October 2024. As of October 2024, CarneySweeney identifies that the number of vacant units equates to 19, or 11.0% of the total number of units within the centre. Although this is slightly higher than that identified in 2022, it is still below the national average of 14.1%.
- 4.41 CarneySweeney conclude that the town centre is considered to be buoyant and performing strongly, with a good mix of representation of national multiple retailers and independent operators. Furthermore, it is considered that the centre is highly accessible by a variety of transport modes, with good levels of conveniently located car parking provision located at the heart of centre. The public realm throughout the town is of a good quality, kept clean and tidy and free from litter and graffiti, adding to the overall shopping experience. In summary, CarneySweeney concludes that there is no evidence of any underlying weaknesses in the centre, which is considered both vital and viable.
- 4.42 Overall, taking account of the updated evidence provided by CarneySweeney and our own review of the centre, we still consider that the conclusions reached within the HTCRA remain of relevance in respect of the overarching vitality and viability of the town centre, in that Ledbury is considered to be vital and viable, and the current vacancy rate in Ledbury was not considered to represent cause for concern.

Acceptability of the Proposal

- 4.43 We have reviewed CarneySweeney's assessment and in particular the analysis provided within the PRS and the associated quantitative tables in respect of trade diversion and the resultant impact. We have also given consideration not only to the evidence submitted in respect of the previous dismissed appeal, but also the wider analysis provided by CarneySweeney in respect of the growth in population in the surrounding area associated with proximate residential growth.
- 4.44 In particular, our assessment undertaken in respect of CarneySweeney's impact assessment notes that:
- the application proposal will compete most directly against the nearby Aldi store (which doesn't benefit from retail 'policy protection'), the edge of centre Tesco store, and will also divert trade from a range of stores further afield;
 - the convenience goods trade diversion from retailers in Ledbury town centre will be moderate overall, in light of the wider offer at edge and out of centre locations in the town;
 - one of the key considerations will be whether this moderate level of diversion would result in an impact which could be considered to be significant adverse. CarneySweeney estimate that the convenience impact on the convenience turnover of Ledbury town centre is expected to be -11.6% at 2027;
 - the convenience trade diversion on the edge of centre Tesco store will be higher, and therefore another key consideration is the potential impact of this trade diversion on the wider town centre, through the loss of linked-trips and associated expenditure;
 - CarneySweeney has provided an assessment of the comparison of the survey derived turnover of stores against the benchmark turnover of the stores. The performance of existing stores, particularly in the context of the town centre, will be key to understanding the potential implications of the proposed development. In

doing so, CarneySweeney calculates that both the Aldi and Tesco stores are overtrading when compared to their national benchmarks, and the Co-op is undertrading; and

- Ledbury town centre generally benefits from a wide range of retailers and service providers which help to provide some resilience in respect of a further out of centre foodstore.

4.45 Referring back to the dismissed appeal, it is noted that the Inspector concludes at paragraphs 34 to 36 that:

‘The existing edge of centre stores are favourably situated towards either end of the main high street. They both feature convenient customer parking which reinforces access to other shops. Local residents would be inclined to regularly use the stores and parking areas relative to other reasons for making regular linked visits. The presence of Bye Street public car park roughly half way down the high street being a further parking option.

Irrespective of any broader capacity, comparison or convenience retail arguments, I find that the function of the existing edge of centre stores to play a greater role in vitality and viability levels than that suggested by the appellant. I am also conscious that online grocery delivery and collection services are part of a modern day shopping economy which can influence travel.

I have substantial concerns that allowing a second out of town store of the scale proposed poses serious risks to maintaining low vacancy rates and the continued economic success of Ledbury’s retail centre. It would divert trade away from the retail core. The effect would be harmful.’

4.46 There are some important matters to note in respect of the dismissed appeal. These are as follows:

1. The previous considerations in respect of the potential impact of the proposal on Ledbury town centre took account of the potential ongoing implications associated with the COVID 19 pandemic and the uncertainties around the longevity of the performance of some operators. The updated healthcheck provided by CarneySweeney and summarised above, indicates that Ledbury town centre has withstood the impacts from the pandemic well, and that it remains a vital and viable centre, with a good mix of operators.
2. The proposal subject to the latest submission seeks permission for a reduced scale foodstore, and therefore a lower proposed turnover.
3. A new retail study has been published in the intervening years following the dismissed appeal, which includes a new household survey and corresponding survey derived turnovers of existing stores. The September 2022 Study identifies that:
 - i. the vitality and viability of Ledbury town centre was good and the vacancy rates did not represent a cause for concern;
 - ii. the Tesco and Aldi stores continue to trade above their respective benchmark averages. However, the Co-op store was identified to trade below benchmark, and lower than the figure presented within the previous, refused planning application;
 - iii. the proportion of identified linked trips between the existing Tesco and Co-op stores to the wider town centre offer is limited; and
 - iv. although not a policy test, the Study identified a convenience capacity within Ledbury of between 900 and 1,600 sq.m by 2041, indicating an under provision of convenience floorspace within the town.

4.47 In terms of the latest impact assumptions provided by CarneySweeney, they calculate that the total convenience impact on town centre retailers (including the Co-op) is expected to be -11.6%, and on the edge of centre Tesco store at Orchard Lane, to be -19.5%. Looking specifically at the Co-op, from which CarneySweeney estimate approximately 7% of the proposal’s convenience turnover will be diverted from, the resultant convenience impact

is expected to be -12.2%. We note that the impact of the Co-op is raised by Stantec in their February 2025 representations, and in particular Stantec state:

'It is important that the Council consider this in its assessment of retail matters because even a small diversion of trade from an undertrading convenience store to a second out-of-centre foodstore could fundamentally compromise the stores viability and consequently have a harmful impact on the town centre due to the harm to a key convenience retailer.'

- 4.48 The objection raised by Stantec on behalf of the Co-op is noted, and the assertions made have been considered in reaching our recommendations below.
- 4.49 It is clear that the Inspector and the previous advisors to the Council in respect of the dismissed appeal, were concerned that the level of trade diversion and associated resultant impact on the town centre in terms of both the loss of expenditure and footfall could be detrimental. In doing so, they came to the conclusion that the potential impact on Ledbury town centre could be significant adverse.
- 4.50 One of the key considerations was the direct impact on the edge of centre stores (the Tesco and Co-op) and the indirect impact on the loss of linked-trips to the remainder of the town centre as a result of the diversion of expenditure to these stores. Specifically, the Inspector states at paragraphs 35 and 36 of the decision:
- 'Irrespective of any broader capacity, comparison or convenience retail arguments, I find that the function of the existing edge of centre stores to play a greater role in vitality and viability levels than that suggested by the appellant. I am also conscious that online grocery delivery and collection services are part of a modern day shopping economy which can influence travel.**
- I have substantial concerns that allowing a second out of town store of the scale proposed poses serious risks to maintaining low vacancy rates and the continued economic success of Ledbury's retail centre. It would divert trade away from the retail core. The effect would be harmful.'**
- 4.51 We have given consideration to the previous conclusions reached by the Inspector, the latest findings in respect of the impact assessment and the matters which represent a material change in circumstances since the previous assessment was undertaken. We have also given consideration to the detailed representations made by Stantec on behalf of the Co-op.
- 4.52 However, we are of the view that the town centre is generally vital and viable and although the two edge of centre stores provide important convenience shopping provision for shoppers, the stores and the wider centre are sufficiently diverse and healthy to withstand the level of diversion set out by CarneySweeney and assessed by Nexus.
- 4.53 Overall, we consider that given the proposal's scale, the centre's health, the wider commercial provision within Ledbury town centre and the provision of out of centre convenience facilities from which the proposal will divert trade from, the potential impact of the proposal is unlikely to be significantly adverse. This is principally due to the convenience trade diversion being moderate and the centre being generally vital and viable.
- 4.54 Furthermore, we are of the view that residents and visitors alike will still need to visit the town centre to meet their wider commercial needs. Overall, we do not anticipate that there will be any material reduction in the vitality of the centre arising from the loss of linked trips related to the proposal (as these may be undertaken by car or may occur at other times).

4.55 Taking the above into account, we are satisfied that the proposal complies with Local Plan Policy E5, insofar as we are of the view that it will not have a significant adverse impact on town centre investment or on the vitality and viability of the centre.

5. Conclusions and Recommendations

- 5.1 Herefordshire Council instructed Nexus Planning to provide advice in respect of a full planning application relating to a hybrid application which includes a proposed Class E foodstore at land south of Leadon Way and east of Dymock Road in Ledbury.
- 5.2 The hybrid application proposal is for full permission for a 1,100 sq.m (net) foodstore, alongside a daycare nursery and outline consent for a medical centre. The Application is accompanied by a PRS prepared by CarneySweeney, dated October 2024.
- 5.3 The purpose of this appraisal report is to consider the merits of the proposal in terms of its compliance with retail and town centre planning policy, as set out by the statutory development plan and by the National Planning Policy Framework ('NPPF'). We have also given consideration to the representations made by 3rd Parties in respect of the proposal.
- 5.4 Paragraph 95 of the NPPF indicates that planning applications for retail uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where they fail to satisfy the requirements of the sequential approach or are likely to result in a significant adverse impact.
- 5.5 In respect of the sequential approach, Nexus has undertaken a detailed review of the sites, units and other opportunities identified by CarneySweeney within their submission. Our analysis has considered the availability and suitability of these potential opportunities to accommodate the proposed development, even when applying a sufficient degree of flexibility in accordance with policy. Overall, we are satisfied that it is unlikely that there are no alternative sites which can be considered to be both available and suitable to accommodate the proposal.
- 5.6 Given the above, we are satisfied that the proposal complies with Policy E5 insofar as it relates to the sequential test, and paragraphs 91 and 92 of the NPPF.
- 5.7 With regard to the first part of the NPPF impact test, we do not believe that the grant of planning permission for the proposed foodstore would lead to an adverse impact in respect of any existing, committed and planned public and private sector investment. Nexus agrees with CarneySweeney's analysis, and consider that the proposal is unlikely to have a significant adverse impact on existing, committed or planned in centre investment.
- 5.8 In terms of the second part of the test (relating to the vitality and viability of town centres), it is clear that the Inspector and the previous advisors to the Council in respect of the dismissed appeal, were concerned that the level of trade diversion and associated resultant impact on the town centre in terms of both the loss of expenditure and footfall. In doing so, they came to the conclusion that the potential impact on Ledbury town centre could be significant adverse.
- 5.9 We have revisited the previous conclusions reached, and the updated assessment, and are of the view that the impacts associated with the proposal are unlikely to be significantly adverse. This view has been reached taking account of the health of the town centre, the nature of the proposal and the associated trade diversion, alongside the wider convenience provision within the settlement and a consideration of likely trade diversion and impact assumptions.
- 5.10 Given the above, we conclude that the refusal of planning permission for this application proposal would not be supported on retail and town centre planning policy grounds alone (subject to conditions to ensure that the

proposal continues to trade as a supermarket in the manner set out by the planning application documents, should planning permission be approved).

- 5.11 We reiterate that our advice relates only to the merits of the proposal in respect of its compliance with retail and town centre planning policy, and that it is for the Council to weigh all relevant planning policy considerations in the balance in determining the application.
- 5.12 We trust that the above appropriately sets out our view in respect of retail and town centre policy matters but would be happy to provide further assistance should it be required.

Nexus Planning

Manchester
One Express
1 George Leigh Street
Ancoats M4 5DL

T 0161 819 6570

nexusplanning.co.uk



Appendix 2 - Minutes of the 3 September 2025 Planning Committee meeting for application 242783.

242783 - LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE

- [Meeting of Planning and Regulatory Committee, Wednesday 3 September 2025 10.00 am \(Item 28.\)](#)

A hybrid planning application comprising: An application for full planning permission for the erection of a Day Nursery (Use Class E (f)) and Foodstore (Use Class E (a)) including access, car parking landscaping and associated work; & an application for outline planning permission for the erection of a medical centre (Use Class E(e)), with access to be determined and all other matters reserved.

Decision:

Application approved with a change to conditions.

Minutes:

Councillor Stef Simmons left the committee to act as the local ward member for the following application

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

In accordance with the criteria for public speaking, Mr Ingram, from the Cooperative group, and Ms Stephenson, local resident, spoke in objection to the application and Mr. Mitchell spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that in principle the local community supported the provision of a medical centre and nursery. It was recognised that there was a need for better healthcare facilities in Ledbury. It was further recognised that a food store could bring benefits as the location of the new shop would provide for new developments within that part of the town and bring more jobs. It was acknowledged that a new shop on the outskirts of Ledbury would result in the loss of some trade from shops within the centre of town.

There was an adjournment at 11:07 a.m.; The meeting reconvened at 11:32 a.m.

Councillor John Stone left the meeting at 11:32 a.m.

Following the adjournment the local ward member continued her address to the committee. It was recognised that there were access issues concerning the site that required finalisation. Noise impact concerns remained with the site and the committee was asked to clarify with officers how this would be conditioned. The recommendation of the case officer was accepted.

In accordance with the council's constitution the adjoining ward member spoke on the application. In summary, she explained that the new store would have an adverse impact on the vitality of local retail and the viability of Ledbury town centre. The impact of the application was a deep concern to business owners in Ledbury and there was no adequate mitigation proposed to address this impact. Submissions by the local trade association and the ALDI supermarket were of significance and should be given due weight by the committee. The credibility of the retail impact assessment was questioned given the data used in calculation but assessments of the impact of the new shop on businesses in Ledbury demonstrated an adverse effect. The potential

use of private financial initiative (PFI) for the health centre and its relocation out of the centre of Ledbury was questioned. The committee was urged to reject the application due to the adverse impact on Ledbury town centre which was contrary to: core strategy policies SS1, LB1; Ledbury neighbourhood development plan policy EE 3.1; and paragraphs 85 to 90 of the national planning policy framework.

The committee debated the application; during the debate the following principal points were raised:

- support for the new store had been expressed by local residents;
- the absence of a noise condition was questioned;
- the construction of a new healthcare facility in the town was a benefit in the locality;
- it was felt that the new store would serve new housing developments in Ledbury;
- there was concern regarding the potential loss of hedgerow along Leadon way during the construction of the store which would undermine biodiversity in the area and the adequate screening of the site; and
- there was concern that the time period requiring landscape management and maintenance under condition 28 was insufficient and should be re-assessed and increased if appropriate.

Councillor Terry James declared an interest as a member of the co-operative supermarket.

The development manager provided the following clarification:

- a noise condition could be included with the permission as below:

Prior to the commencement of development, a comprehensive Noise Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings and recommendations of the submitted Noise Assessment Report (Inacoustic, Ref: 23-601-2, dated April 2024) and shall include:

Nursery Acoustic Design Compliance

o Evidence demonstrating that all teaching spaces within the nursery element will be designed and constructed to meet the performance standards set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards, including internal ambient noise levels, sound insulation, and reverberation time.

Delivery Noise Management Plan - Foodstore

A delivery noise management plan for the foodstore, detailing:

- o Proposed delivery times and hours*
- o Measures to minimise noise from delivery operations, including use of reversing alarms, unloading procedures, and vehicle idling*
- o Any mitigation measures proposed to ensure delivery-related noise remains within acceptable limits at nearby receptors*

The development shall thereafter be carried out and operated in accordance with the approved Noise Management Scheme.

Reason: To ensure an appropriate acoustic environment for future users of the nursery, to safeguard the amenity of nearby residential occupiers, and to ensure that noise impacts from

deliveries and plant remain within acceptable levels, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework

- In order to address concerns regarding the landscaping/landscape maintenance, screening and hedgerow around the application site it was suggested that's a delegation could be agreed as part of the committee's proposal. The delegation would give authority to the local ward member to work in conjunction with officers to finalise conditions 23 and 28 in accordance with the committee's wishes.

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

Councillor Bruce Baker proposed and councillor Dave Davis seconded a motion that the application be approved in accordance with the case officer's recommendation and the addition of the noise condition, as outlined above, and a delegation to the local ward member to finalise the landscape management condition in accordance with the committee's wishes with a particular focus on the length of management/maintenance arrangements and the adequate provision of hedgerow to support biodiversity and screen the site.

The motion was put to the vote and was carried unanimously.

RESOLVED – that

That planning permission be granted, subject to the conditions set out below, the inclusion of a noise condition as outlined above, the completion of a Section 106 agreement to secure the transfer of land for the proposed medical centre, the community transport contribution, the delegation of authority to the local ward members to finalise conditions 23 and 28 with officers to address the concerns of the committee in relation to landscape/landscape maintenance and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

STANDARD CONDITIONS

1. Time Limit – Full Permission (Foodstore and Nursery)

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

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

2. Submission of reserved matters (Medical Centre)

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

3. Time Limit (Medical Centre)

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

4. Approval of the reserved matters (Medical Centre)

Approval of the details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

5. Approved Plans (full)

The development shall be carried out in accordance with the approved plans listed in this below;

P402 rev Q Proposed Masterplan (only as far as it relates to the foodstore and nursery)

P403 rev N Proposed Lidl Site Plan GA

P404 rev K Proposed Lidl Surface Treatment Plan

P101 rev C Proposed Lidl Roof Plan

P120 Proposed Nursery Ground Floor Plan

P121 Proposed Nursery First Floor Plan

P202 rev B Proposed Lidl Elevations – Brick Alt

P220 Proposed Nursery Elevations – South

P221 Proposed Nursery Elevations - North

P401 rev C Existing Site Plan

P420 rev B Proposed Nursery Site Plan GA

P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nursely element)

CA2024 LDBY 02 rev C Tree Survey & Existing Features & Overlay

CA2024 LDBY 03 rev H Landscape Proposals Overall

CA2024 LDBY 04 rev F Landscape Proposals Detail 1-200 A0

CA2024 LDBY 04 rev F Landscape Proposals Detail

CA2024 LDBY 07 rev B Ledbury Hedgerow Management Plans

CA2024 LDBY Ledbury Planting Schedule rev 18 June 2025

CA2024 LDBY 01 rev B Tree Survey & Existing Features

CA2024 LDBY 05 rev A Landscape Living Green Wall

CA2024 LDBY 06 Landscape Sections

PL02 rev F Access Junctions Visibility Splays

PL03 rev H Potential Active Travel Links to Development

SP01 rev G Swept Path Analysis

SP02 rev D Swept Path Analysis

PL01 rev G Potential Toucan Crossing

P400 rev C Site Location Plan

Reason: To ensure adherence to the approved plans in the interests of proper planning.

6. Approved Plans (Medical Centre)

The development shall be carried out in accordance with the approved plans listed in this below;

P400 rev C Site Location Plan

P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nurseery element)

Reason: To ensure adherence to the approved plans in the interests of proper planning.

PRIOR TO COMMENCEMENT OF DEVELOPMENT (site-wide or specified element of development)

7. Materials

With the exception of site clearance and groundwork, no development shall commence on: a) the foodstore, or b) the nursery, until details and/or samples of the external materials to be used for the walls and roofs of the respective buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved materials.

Reason: To ensure a high standard of design that respects and enhances the character and appearance of the area, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, SD1.3 and NE2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

8. Biodiversity Net Gain

No development shall commence, including any site clearance or preparatory works on that respective element, until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Confirmation that the development is subject to the statutory Biodiversity Gain Condition under the Environment Act 2021 and Biodiversity Gain Regulations 2024.**
- Details of the on-site habitat creation and enhancement measures, including habitat types, condition targets, and management prescriptions.**
- Evidence of the purchase of off-site biodiversity units from a Registered Biodiversity Gain Site Provider, or alternatively, confirmation of statutory biodiversity credits purchased, sufficient to achieve a minimum 10% net gain in biodiversity value.**
- A Habitat Management and Monitoring Plan (HMMP) covering a minimum 30-year period, in accordance with DEFRA guidance, setting out how the biodiversity measures will be maintained and monitored.**

The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and HMMP.

Reason: To ensure the development delivers measurable biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain Regulations 2024, and to give effect to the deemed biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The condition also supports compliance with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and Ledbury Neighbourhood Development Plan Policies NE1.1.

9. Contamination

No development shall commence, including any site clearance or preparatory works, 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

10. Construction Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include the following details:

- Measures to prevent mud and debris being deposited onto the public highway;
- Construction traffic access arrangements;
- Parking provision for site operatives and visitors;
- A Construction Traffic Management Plan;
- Details of any site compound, including its location (which may be on land identified for the nursery or medical centre), and a scheme for the reinstatement of that land following completion of construction works.
- The approved Construction Management Plan shall be implemented in full and maintained throughout the construction period.

Reason: To safeguard highway safety, protect residential amenity, and ensure the coordinated and phased delivery of the development, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.2 of the the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

11. Drainage

No development shall commence, including any site clearance or preparatory works, until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed design drawings and construction plans for both the proposed surface water and foul water drainage systems, including calculations and specifications. The foul drainage design shall be developed in consultation with Severn Trent Water.
- Written confirmation from Severn Trent Water that the proposed surface water discharge to the public surface water sewer is acceptable.

- Details of the proposed adoption and maintenance arrangements for all drainage infrastructure, including confirmation of the responsible party and any agreements with statutory undertakers or management companies.

The development shall thereafter be carried out in accordance with the approved details prior to first occupation or use of any part of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of flooding and pollution, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

12. Construction Environmental Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but may not be limited to:

- An ecological working method statement detailing measures to protect retained habitats and species during construction;
- Details of the person(s) responsible for implementing and monitoring the CEMP throughout the construction period.

The approved CEMP shall be implemented in full prior to the commencement of development on the relevant parcel and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of ecological interests and the enhancement of biodiversity, in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, the National Planning Policy Framework, and Herefordshire Council's declared Climate Change and Ecological Emergency.

13. EV charging (submission of details required prior to commencement of each element)

With the exception of any site clearance and groundworks, no development shall commence with respect to each element to which it relates - a) the foodstore b) nursery and; b) the medical centre, until written and illustrative details of the number, type/specification and location of electric vehicle charging points have been submitted to and approved in writing by the local planning authority.

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

Reason: In accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy TR1.2 of the Ledbury Neighbourhood Development Plan and to assist in redressing

the Climate Emergency declared by Herefordshire Council and to accord with the National Planning Policy Framework

14. Ventilation strategy (Nursery)

Prior to the commencement of development on the nursery building, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how adequate ventilation will be achieved while ensuring compliance with the internal ambient noise criteria set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards.

The development shall be carried out in accordance with the approved strategy and the ventilation system shall be retained and maintained thereafter in accordance with the manufacturer's specifications.

Reason: To ensure a suitable internal acoustic environment for future occupants of the nursery, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT OF CERTAIN OPERATIONS / INSTALLATIONS

15. External lighting (before installation of any external lighting)

Prior to the installation of any external lighting, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- The location, type, and intensity of all proposed external lighting;
- Measures to ensure compliance with current best practice guidance issued by the Institute of Lighting Professionals and the Bat Conservation Trust;
- Consideration of the site's proximity to the Malvern Hills National Landscape and its contribution to maintaining local dark skies.

The development shall thereafter be carried out in accordance with the approved Lighting Strategy, and the lighting shall be retained and operated in accordance with the approved details.

Reason: To protect nocturnal species including bats, safeguard residential amenity, preserve landscape character, and maintain dark skies, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

16. Visibility splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43m northbound and 120m southbound metres along the nearside edge of the adjoining carriageway – as indicated on approved plan PL02 Rev F. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan - Core Strategy, Policy TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO FIRST USE / OCCUPATION (of respective elements or site-wide)

17. Parking Management Plan (Nursery)

Prior to the first use of the nursery building hereby approved, a detailed Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- Staggered drop-off and pick-up arrangements to minimise peak-time congestion.
- Operational details including anticipated child capacity, staff numbers, and standardised drop-off/pick-up times.
- Overflow parking strategy, including use of the foodstore car park and pedestrian connectivity.
- Monitoring and review mechanisms to assess parking demand and congestion during the first 12 months of operation.
- Measures to ensure safe and efficient access, including any physical or operational interventions to prevent vehicle stacking or obstruction of site access.

The approved Parking Management Plan shall be implemented in full prior to the first use of the nursery and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and efficient access to the site, minimise congestion, and safeguard highway safety in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies BE1.1, TR1.2 and SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan.

18. Temporary Management of Undeveloped Parcels

Prior to the first use of the foodstore, a scheme for the management and maintenance of the land identified for the nursery and medical centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Measures to ensure the land is kept free from debris, fly-tipping, and unauthorised use
- Maintenance of boundary treatments and landscaping
- Any temporary surfacing or fencing proposed
- A timetable for ongoing inspection and upkeep
- Provisions for reinstatement following any temporary use (e.g. construction compound)

The approved scheme shall be implemented in full and maintained for the duration of the period prior to the commencement of development on the nursery or medical centre parcels.

Reason: To ensure that land identified for future phases of development is appropriately safeguarded, maintained, and does not detract from the visual amenity, landscape character, or residential environment, in accordance with Policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, EE1.2, NE1.1 and NE3.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

19. Off-site highway works (before occupation or beneficial use of any part)

No part of the development shall be occupied or brought into use until the off-site highway works, comprising the provision of a pair of bus stops on Leadon Way and a Toucan crossing, as shown on approved drawing PL01 Rev G - have been fully delivered and made operational.

Details of the works shall first be submitted to and approved in writing by the Local Planning Authority, following completion of the technical approval process by the Local Highway Authority. The works shall be implemented in full accordance with the approved details.

Reason: To ensure safe and inclusive access to the site by sustainable modes of transport, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

20. Biodiversity (site-wide bird/bat/hedgehog/insect provision)

Prior to the first use of any element of the development hereby approved, a site-wide strategy for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location, specification, and installation of:

- A minimum of four bird nesting boxes suitable for a range of site-appropriate species;
- One hedgehog home; and
- Four insect hotels.

The approved measures shall be implemented prior to first use and shall be retained and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancement and support protected species and habitats, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

21. Travel Plan (foodstore, nursery, medical centre)

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre - a Travel Plan relating to that element shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include measures to promote sustainable modes of transport for staff and visitors, and shall be implemented in full upon first occupation of the relevant element. A written record of the measures undertaken to promote sustainable travel shall be maintained, and the Travel Plan shall be reviewed annually.

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

Reason: To promote the use of sustainable transport modes, reduce reliance on private vehicles, and support inclusive access, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

22. Cycle storage (foodstore, nursery, medical centre)

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, full details of a scheme for the provision of covered and secure cycle parking facilities for that element shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be installed and made available for use prior to the first occupation of the relevant element and shall thereafter be retained and maintained in working order.

Reason: To ensure adequate provision for secure cycle parking and to encourage the use of sustainable modes of transport, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

23. Landscaping implementation (foodstore and nursery)

All planting and landscaping works relating to the foodstore and nursery shall be carried out in full accordance with the approved landscape drawings 2024-LDBY-03 Rev H (Landscape Proposals Overall) and 2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document.

The approved scheme shall be implemented in full during the first planting season following substantial completion of the development or prior to the first occupation or beneficial use of any part of the development, whichever is sooner, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the timely delivery of the landscaping scheme in the interests of visual amenity, biodiversity enhancement, and compliance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE2.1 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

24. Remediation (validation report before first occupation)

The Remediation Scheme, as approved pursuant to Condition 7 above, shall be fully implemented before any part of 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 and agreed in writing 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

25. Waste storage/collection (foodstore and nursery)

Prior to the first use of any element of the development, namely (a) the foodstore or (b) the nursery, details of suitable provision for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include arrangements that allow for the convenient and accessible storage of waste and ensure unrestricted access for collection at all times.

The approved waste storage and collection facilities shall be provided prior to first use of the relevant element and shall be retained and maintained thereafter for the duration of the use.

Reason: To ensure adequate provision for waste management in the interest of visual and residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

26. Parking provision (foodstore and nursery)

Prior to the first use of the foodstore or nursery, the parking and manoeuvring areas serving each respective element shall be completed in full accordance with approved drawings P402 Rev Q Proposed Masterplan, P403 rev N Proposed Lidl Site Plan GA and P420 rev B Proposed Nursery Site Plan GA.

These areas shall be made available for use prior to occupation and shall thereafter be retained and maintained for the duration of the use. The parking and manoeuvring areas shall not be used for any other purpose.

Reason: To ensure safe and efficient access and circulation within the site, and to prevent obstruction of the public highway, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policies TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

27. Vehicular access construction (prior to first use of any part of development)

Prior to the first use of any part of the development, details of the vehicular access construction, including gradient, surfacing, and alignment, shall be submitted to and approved in writing by the Local Planning Authority.

The access shall be constructed in full accordance with the approved specification and shall not exceed a gradient steeper than 1 in 12. It shall be implemented in full prior to first use of the development.

Reason: To ensure safe and suitable access to the site in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

COMPLIANCE

28. Landscape Management Compliance

The landscaping and ecological features shall be maintained in full accordance with the approved Landscape Planting Methodology and Aftercare document for a minimum period of ten years from the date of implementation. This shall include all tree, hedge, planting bed, wildflower grassland, and living wall maintenance, as well as ecological monitoring and replacement of failed planting. Any variations to the approved management regime shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the long-term establishment and stewardship of the landscaping scheme and associated biodiversity enhancements, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2, BE1.1 and NE2.1 Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

29. Unexpected contamination

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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

Hours of operation (foodstore)

The foodstore hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays and 08:00 to 17:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan - Core Strategy, Policy BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

30. Retail floorspace restriction (foodstore)

The net sales area of the foodstore hereby permitted shall not exceed 1,100 square metres.

Reason: To ensure that the scale and nature of retail provision remains consistent with the assessed impact and justification for the proposal, and to ensure the development does not result in significant adverse impact on the vitality and viability of Ledbury town-centre, in accordance with the National Planning Policy Framework, Policy EE3.2 and EE3.1 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy.

Councillor Stef Simmons resumed her seat on the committee.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	8 APRIL 2026
TITLE OF REPORT:	<p>251666 AND 251667 - PROVISION OF SECURITY CAMERAS FIXED TO THE EXTERIOR OF THE BUILDING AND PROVISION OF BOUNDARY FENCING FOR SAFEGUARDING PURPOSES AT CHURCHILL HOUSE, 3 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE.</p> <p>For: Mr Rogers per Mr Andrew Baker, Walnut House, Wellington, Hereford, Herefordshire HR4 8AZ</p>
WEBSITE LINK:	<p>Planning Application Details - Herefordshire Council Planning Application Details - Herefordshire Council</p>
Reason Application submitted to Committee – Council Owned	

Date Received: 4 June 2025

Ward: College

Grid Ref: 352052,240711

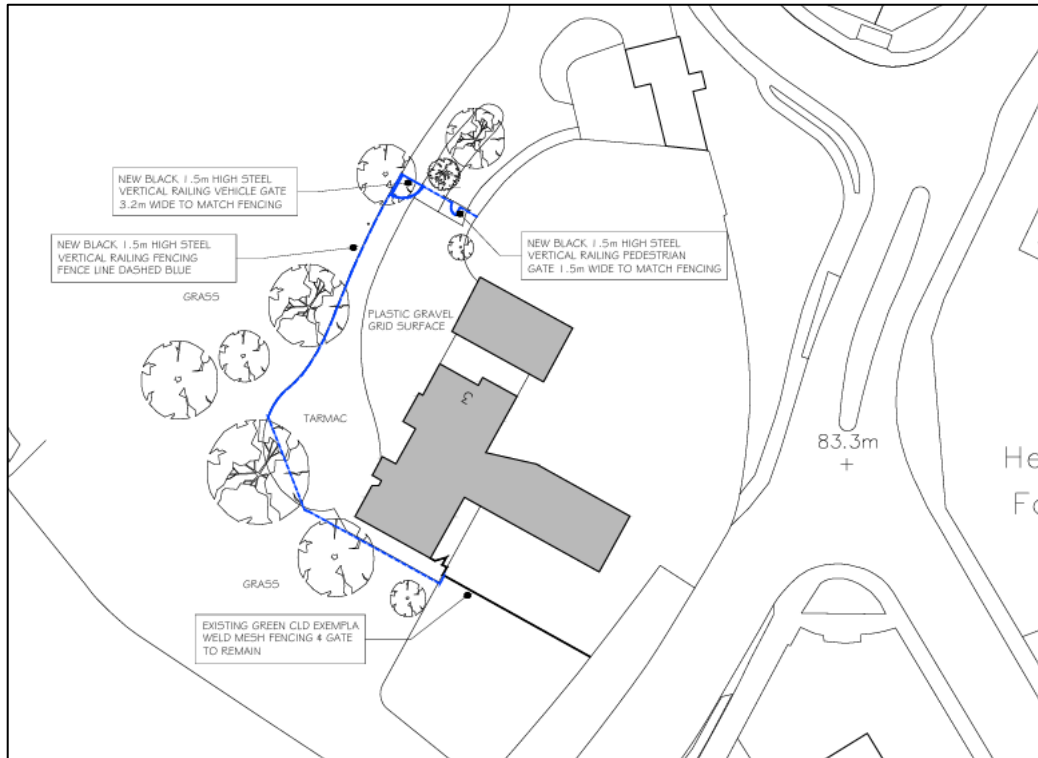
Expiry Date: 5 September 2025

Local Member: Cllr Ben Proctor. Adjoining Ward Members: Cllr Frank Cornthwaite and Cllr Adam Spencer

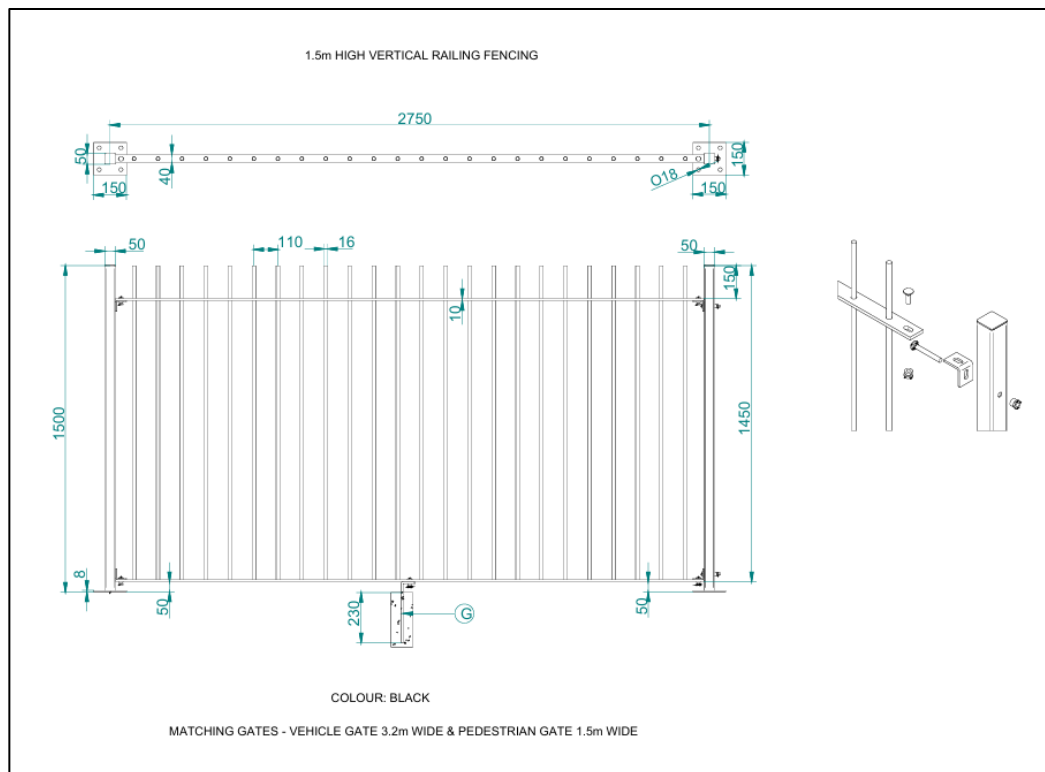
1. Site Description and Proposal

- 1.1 The application site comprises Churchill House, a Grade II listed building together with its associated grounds. The site is situated within Churchill Gardens, a public open space located to the north-east of Hereford City centre and within the Aylestone Hill Conservation Area. Vehicular access is via a driveway to the west of Venns Lane which also serves a small public parking area along the site's boundary with Venns Lane.
- 1.2 Churchill House is a Council owned property and had been vacant for a number of years but was previously used as offices and a training centre and prior to that was a museum. It has recently been occupied by the Heart of Mercia Multi-Academy Trust.
- 1.3 This is a joint Planning and Listed Building report in respect of the proposal for the installation of security cameras to be fixed to the exterior of the building and for the provision of fencing along the southern and western boundaries of the site. The proposed works are intended to provide security and improve safeguarding for the users of the building.
- 1.4 An extract of the proposed site plan (383-04 Rev B) and proposed fencing details (Drawing 383-09) are inserted below for ease

Further information on the subject of this report is available from Ms Heloise Hardwick on



Site plan (383-04 Rev B)



Fencing Details (383-09)

Further information on the subject of this report is available from Ms Heloise Hardwick on

- 1.5 The proposed 7no. security camera positions are detailed on the existing and proposed elevation plans as inserted below along with the details of the appearance of the camera that can be found in the Design and Access Statement.



2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

Policy SS1	–	Presumption in Favour of Sustainable Development
Policy SS6	–	Environmental Quality and Local Distinctiveness
Policy SC1	–	Social and Community Facilities
Policy MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
Policy LD1	–	Landscape and Townscape
Policy LD2	–	Biodiversity and Geodiversity
Policy LD3	–	Green Infrastructure
Policy LD4	–	Historic Environment and Heritage Assets
Policy SD1	–	Sustainable Design and Energy Efficiency

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

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

2.2 The National Planning Policy Framework (NPPF)

Chapter 2	–	Achieving Sustainable Development
Chapter 4	–	Decision-Making

Further information on the subject of this report is available from Ms Heloise Hardwick on

- Chapter 12 – Achieving Well-Designed-Places
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

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

3. Planning History

3.1 P160537/F – Proposed provision of additional staff car parking – Approved with conditions.
[Planning Application Details - Herefordshire Council](#)

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 **Historic Buildings Officer – Original Comment – Objection**

Sympathetic re-use of Churchill House is acknowledged as being fundamental to its on-going conservation, and plans presented which enable this positive outcome to be achieved are welcomed.

However, whilst the introduction of security cameras as proposed and specified can be supported from a heritage perspective, given their minimal visual impact and degree of reversibility, and whilst the introduction of some form of new boundary treatment which is appropriate to the historic context of the property could also potentially be supported, the proposed erection of *CLD Exempla* security fencing surrounding Churchill House’s primary elevation unfortunately attracts a heritage objection as it is considered such a treatment would be visually detrimental in its obtrusiveness, and wholly unrepresentative in this historic context.

Consequently, it is considered this aspect of the proposed works in its submitted form would fail to preserve the setting of the Grade II listed building, and the character and appearance of the Aylestone Hill Conservation Area in this sector, contrary to statutory requirements of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy LD4 of the Herefordshire Core Strategy.

The level of harm identified in both instances is ***less than substantial***, which case law has deemed represents a *substantial* objection in planning terms, and as per Paragraph 212 of the NPPF, should be afforded two counts of ***great weight*** in the planning balance when set against any public benefits this aspect of the scheme may realise.

Although a short length of CLD Exempla fencing and a corresponding security gate has previously been installed this is situated in a more discreet position to the south-west rear-side of the building and is well screened from public viewpoints (previous consent for this addition has not yet been identified).

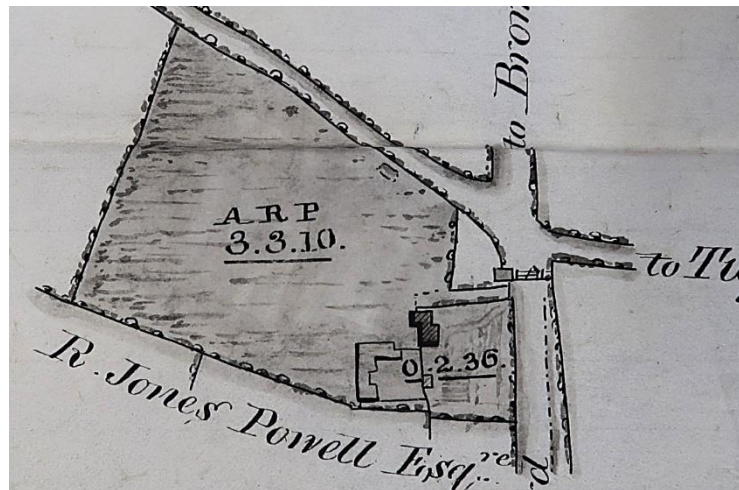
Given the primary elevation of the property has historically remained open to the formal garden area surrounding it, and with no intervening planting of any particularly solid form, there do not appear to be any mitigative measures which could be employed to neutralise or sufficiently reduce the level of impact which would be experienced from numerous viewpoints as a consequence of the proposed security fencing option.

However, if boundary fencing and gateway treatments whose design and materiality were appropriate for the broader historic context of the mid-19th century period, and in keeping with the aesthetic character of the building and its setting, were to be proposed this could potentially satisfy the relevant statutory and policy requirements.

Heritage Background:

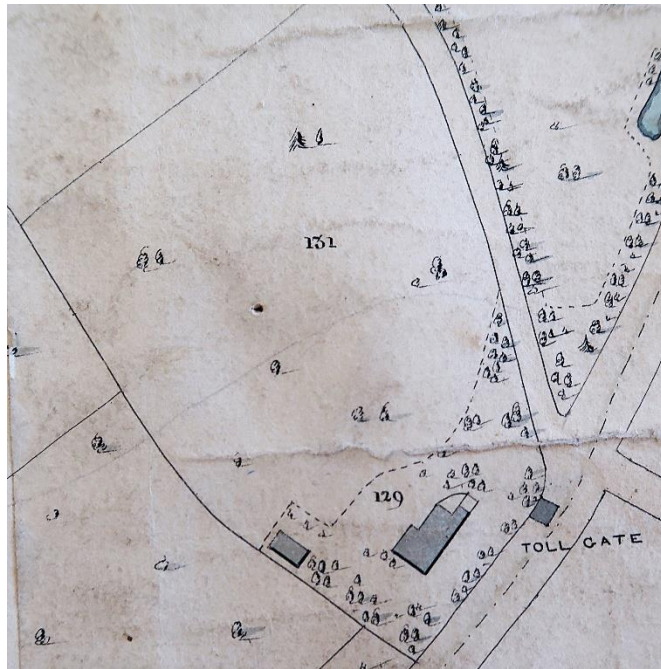
Churchill House (formerly *Penn Grove*) is a Grade II listed property of c.mid-19th century origin set within generous grounds which now form Churchill Gardens Park; it represents one of the Hereford's earliest suburban villa developments to the north-east of the city walls, although it appears to have replaced an earlier building on the site, itself part of a larger group believed to have been the Whey Tavern, with its associated stabling/barns.

An Indenture of 1832 contains a site plan which identifies the tavern/stable group and illustrates two land plots similar to those represented on the 1841 All Saints Tithe Map, but by this latter date the tavern and stabling appear to have been partly demolished and replaced with a new dwelling house and detached outbuilding c.40m to the south-west (no longer extant).



1832 - Indenture Plan

Apportionment details identify the specific land parcels (129 & 131) as *House & Garden* and *Meadow*, both within the ownership of Rev. John Evans.



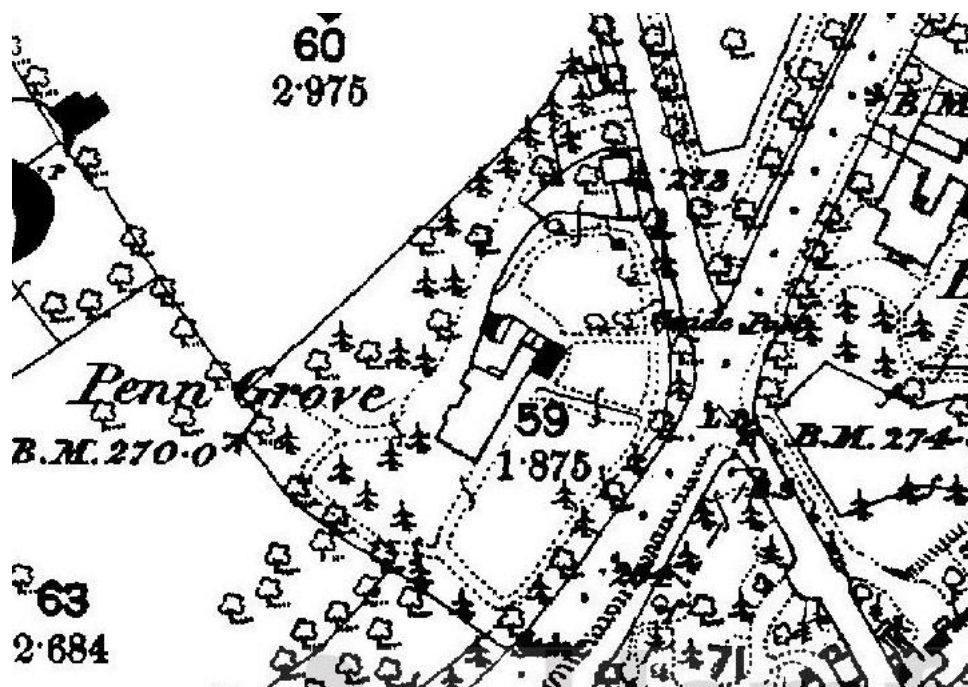
1841 - Tithe Map Extract

This arrangement also appears on Thomas Curley's 1858 Map of Hereford, with some further revisions to the form of the house and two small outbuildings now sited immediately to the north-east creating a small yard area.



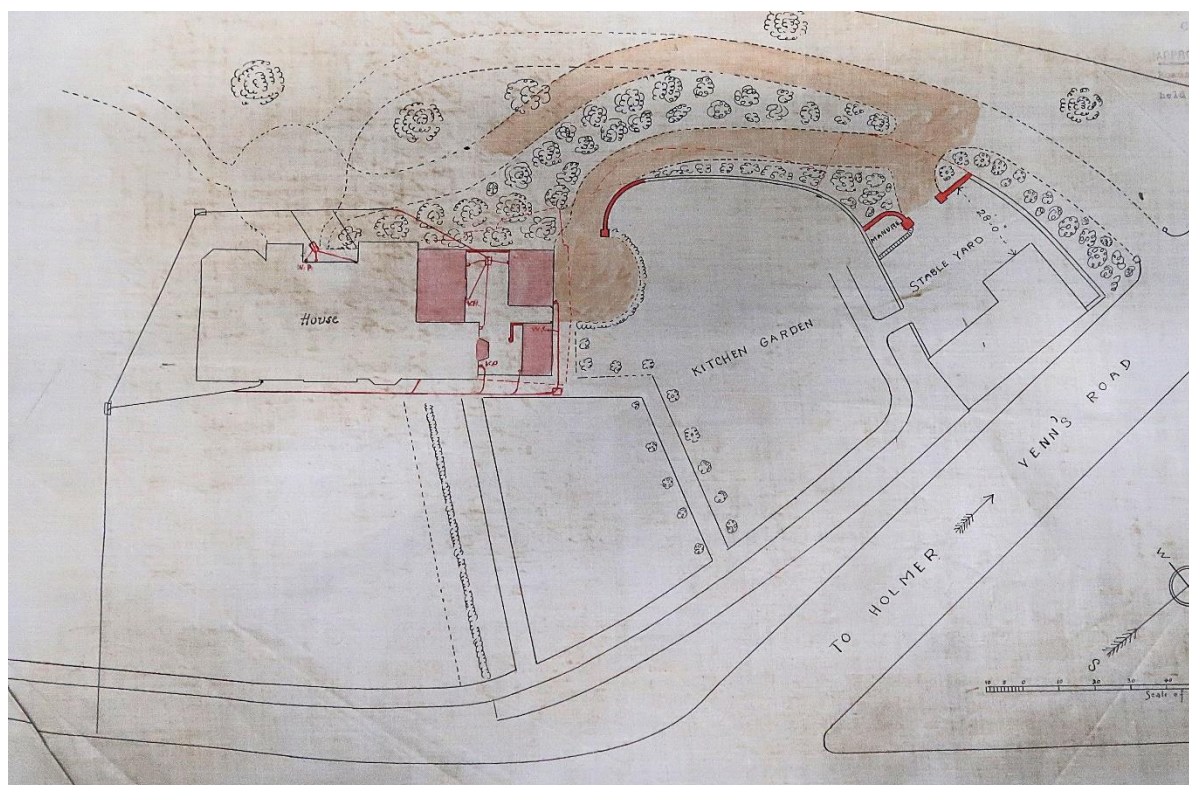
1858 - Curley's Map of Hereford Extract

By 1885, the 25" OS map illustrates the house having been adapted and extended again, and also illustrates a new coach house and stable block building added to the north-east (currently No.1 Venns Lane), alongside the entrance carriageway, garden pathway layouts and perimeter boundaries of the site.



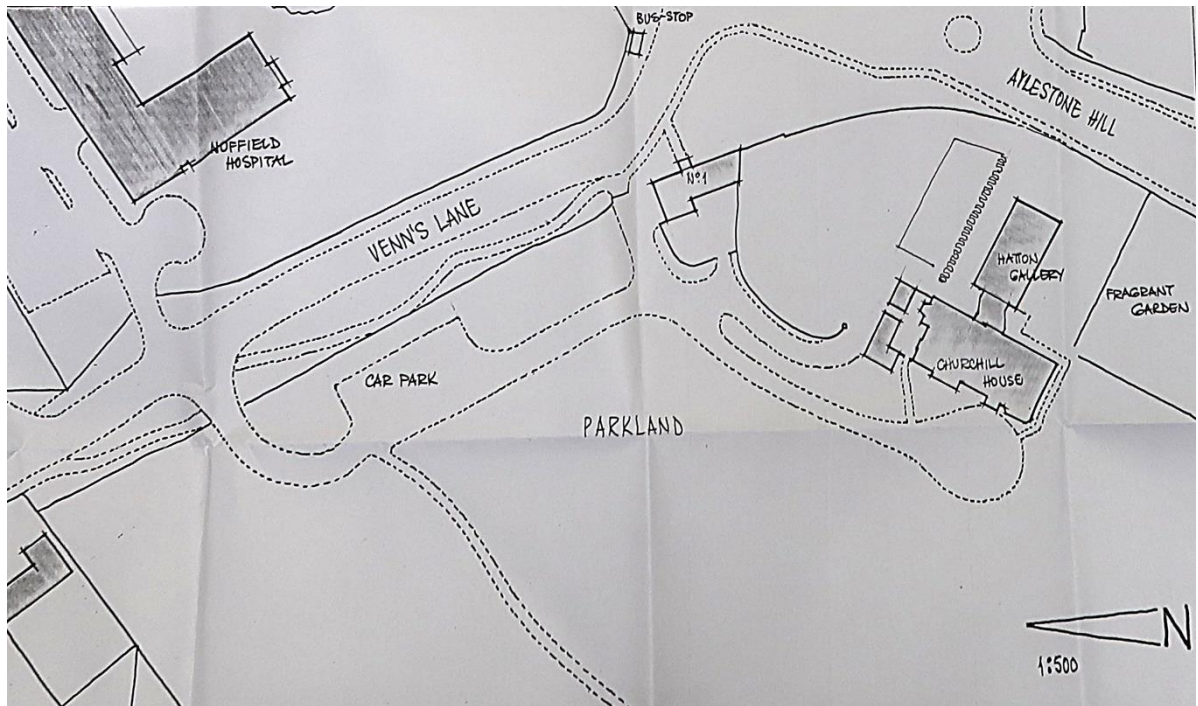
1886 – OS Map Extract

In 1907 the last historic phase of change occurred, and a site plan illustrates further extensions and service building additions to the north-east side of the site, and revisions to the treatment of carriageway routes to accommodate a new service area turning circle.



1907 – Proposed Site Alterations Plan

Excepting certain late-20th century additions/alterations, this is the form which largely remains today.



Late-20th Century Site Plan Extract

Significance & Setting:

Churchill House's significance lies primarily in its historical (illustrative), aesthetic (designed) and communal (social) values, and aspects of its setting which contribute positively to those values form part of that significance – such as the visual relationship between the house and its garden.

Its setting encompasses the surroundings within which it is experienced, and those aspects which were clearly designed reinforce its significance values as they enable understanding of the intended aspirations of the owner, and the range of mechanisms chosen to realise them – such as orienting the property so that its primary elevation faced away from the thoroughfare of Aylestone Hill in order to look out over the formal garden area and meadowland beyond.

Aside from additional parkland to the south-west not historically associated with Churchill House, its designed setting remains largely intact today and defines the character of this sector of the Aylestone Hill Conservation Area.



View of Churchill House Museum from south-western parkland approach – c.1980s

Direct views of the building are afforded from multiple vantage points along the public pathway through the park, heightening its visual sensitivity.



Further information on the subject of this report is available from Ms Heloise Hardwick on



Views of Churchill House frontage from within parkland - 2025

Heritage Comments:

Design & Access and Heritage Statement:

Unfortunately, whilst the submitted statement provides a basic overview of the site and a listed building description, there has been no identification or articulation of its significance, and any contribution made by its setting, or any assessment of potential impact the proposed works might have on that significance or setting, nor the Aylestone Hill Conservation Area in this sector, all of which is required under Paragraph 207 of the NPPF.

In terms of justification for the works, it indicates their need is to secure the site and improve user safeguarding from episodes of vandalism and break-ins, yet it doesn't provide any details or insight into these specific incidents, nor acknowledge what influence the building remaining empty may have had on it becoming a target, and how re-accommodating it might alter that situation; as a consequence, and from a heritage perspective, the justification presented is not considered *clear and convincing* as required under Paragraph 213 of the NPPF.

A revised heritage statement would be required to address this aspect.

Entrance Gates & Fencing:

From 1858 onwards historic mapping and site plans consistently illustrate the main entrance into the property as being located on Venn's Lane and whilst this entrance does remain to serve garages at No.1 Venn's Lane, the current main entrance to Churchill House introduced in the late-20th century is now c.70m further north, and is defined as an untreated break in the existing stone boundary walling with a modern metal swing-arm gate set within the northern side, and a low timber post fence bounding the right side for c.20m.

Siting a new set of entrance gates further into the site, as proposed, would not replicate or re-instate an earlier historic arrangement, and so, if this were to be feasible, the new gate arrangement would need to sit comfortably alongside the listed building in terms of both its

aesthetics and materiality, and this suggests a more traditional gate and fencing design would be warranted.

In order to meet this requirement, and minimise the perception of physical exclusion between the house and wider gardens, a low stone-capped plinth wall with cast or wrought iron spindle or panel railings with backstays (c.1300mm in combined height) and matching gate and side-gate designs would be the advised approach.

The combination of the building and its immediate grounds being returned to permanent occupation again, coupled with the addition of seven CCTV cameras as proposed, should ensure a degree of both passive and active security which is sufficient to address anti-social behaviour issues experienced in more recent times without the need for uncharacteristic containment security fencing in such a prominent location.

It is noted that Hereford Sixth Form College currently employs stone walling and hedgerow planting along the length of its boundary on Folly Lane and Wittern Way, and only appears to utilise security fencing similar to that proposed along its north-eastern boundary with Aylestone School's playing fields, which is situated on private land with no public access.

A similarly sympathetic approach to the frontage of Churchill House would also be welcomed in this instance given the sensitivity of the site.

Further Information Required:

- Revised heritage statement (requires *appropriate expertise* to compile); describing the *'significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'* (Para.207, NPPF)
- Amended plans fully detailing any alternative gate/fencing approach as advised.

4.3 Historic Buildings Officer – Amended Comment – No Objection

The proposal

The application relates to the provision of security cameras fixed to the exterior of the building and provision of boundary fencing for safeguarding purposes.

The site

The property is a listed building UID 1297453 included on the statutory list on 28/01/1994 <https://historicengland.org.uk/listing/the-list/list-entry/1297453>

The site lies within the Aylestone Hill Conservation Area https://www.herefordshire.gov.uk/media/ujtjvk0z/aylestone_hill_conservation_area.pdf

Legislation Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to not affect any special architectural or historic interest.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy Policies.

- Paragraph 135 of NPPF advises that planning policies and decisions should ensure developments should;
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

Paragraph 207 of NPPF advises that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

Paragraph 208 of NPPF advises that a “Local planning authorities should 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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 212 of NPPF advises “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 213 of NPPF advises “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 215 of NPPF advises “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Paragraph 219 of NPPF advises “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those

elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including ... conservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management.

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

Assessment of Proposal

The proposed works require planning permission for the cameras and fence as the cameras are attached to a listed building the fence is in the curtilage of a listed building.

Further to the Built Heritage Comments of 26/08/2025 where objections were raised to the original proposals, the amended plans received on 26/01/2026 are duly noted;

- Dwg No 383-04B Proposed Site Plan
- Dwg No 383-09 Proposed Fencing details.

The concerns raised previously by built heritage are duly acknowledged, and the amended plans have sought to address those concerns, in that the fence originally proposed was utilitarian security fencing and not respectful of the setting of this grade II listed building, in its original grounds which is now well used as a public park and garden.

The provision of fencing in the location so proposed would be contrary to the existing character and appearance of the property which was built as a large private house within large grounds, thereby not requiring fencing separating the house from the grounds.

The building was more recently used as a museum for which the grounds no doubt played a part in the visitor experience, however the current proposed use is for educational use. The reuse of the building is greatly welcomed as it has been vacant for some time. Nonetheless the proposed fencing will separate the house from the grounds to enable the building and grounds to operate independently. Whilst it would be preferable for the house and buildings to remain in a use that retained the land with the house, it is acknowledged that should a proposed use for the building also require use of the grounds then this would sever public use of the gardens which would not

be desirable or appropriate, and could lead to the request for more secure perimeter fencing which would be unacceptable in this location. However, this is not proposed, and it is understood the park is to remain as public park and garden, which requires the fencing around the premises.

As Churchill Gardens has been used as a public park for some years, it displays some qualities of a public park, benches, waste bins, bollards etc, and the choice of fencing to be more reminiscent of Local Authority Public Park fencing is duly noted, and is not uncommon in Registered Parks and Gardens where the grounds are used for public use and the main building for a use not by the general public.

The proposal by virtue of the erection of a fence in that location will result in less than substantial harm to the setting of listed building. As less than substantial harm has been identified this trigger requires consideration under section 215 of NPPF where the public benefits of the proposal have to be weighed against the harm caused.

It is considered that attempts to mitigate the harm have been made by “parkland” fencing, which whilst not preferable in respect of the setting of the listed building is appropriate for a public park and garden. The re-use of the building for a single use and not subdivided between occupiers is also welcomed. In addition, the fence whilst assumed to be a permanent feature whilst the building is in educational use, could be removed in the future without harm to historic fabric.

Taking all of the above into consideration, the proposal so amended does not raise a built heritage objection. However, care would need to be taken in respect of the colour and a matt soft black (not gloss) similar to the Farrow and Ball Colour Railings is suggested as a suitable colour for railings. However the colour can be conditioned if preferred.

<https://www.farrow-ball.com/paint/railings>

4.4 **Tree Officer Comment – Original Comment**

I have reviewed the submitted documents and have the following comments in relation to the arboricultural resource within the site.

The property is situated within a Conservation area and has many mature specimen trees within the grounds. The proposals to install security cameras will have no impact to retained trees and therefore acceptable from an arboricultural perspective.

The proposals also include the installation of a 2 metre security fence as well as a new access gate in to the site. No information has been submitted in regards to the trees on site and therefore it is difficult to make comments in relation to whether impacts to existing trees as a direct result of the proposals have been considered and addressed.

To allow an assessment of the potential impacts to the existing trees, a BS5837:2012 tree survey should be undertaken. This information will identify all trees within the development area and confirm their quality and overall condition. This information should then be utilised to produce an Arboricultural Impact Assessment (AIA), Method Statement (AMS) and Tree Protection Plan (TPP). These will assess the potential impacts to retained trees and set out guidance to how these impacts will be managed to an acceptable level. This should be requested as additional information to support the application.

4.5 **Tree Officer Comment – Amended Comment – No Objections**

Comments: I have reviewed the submitted Tree Report (Arbor Tech – 10th July 2025) and have the following comments.

Further information on the subject of this report is available from Ms Heloise Hardwick on

The report confirms the location of the proposed new security fencing which will be positioned within the existing tarmac drive way. This will ensure minimal impact to adjacent trees. No information is included within the report if roots are encountered during the works, but this could be addressed through supervision during the works.

Therefore, I consider that adequate information has been provided to ensure minimal impact to retained trees during the construction. A condition should be applied to ensure adherence with the approved Tree Report.

Condition

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Tree Report – Arbortech – 10th July 2025.

All excavations for post holes within root protection areas of retained trees should be supervised by an appointed Arboriculturist for the works specified.

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

4.6 **Tree Officer – Further Amended Comment (following receipt of revised plan) – No Objections**

The amended layout of the security fencing presents no further risk to the existing trees on site. For this reason I refer to the previous Tree Consultation comment made by Andrew Cunningham. I have included this below for convenience.

Comments: I have reviewed the submitted Tree Report (Arbor Tech – 10th July 2025) and have the following comments.

The report confirms the location of the proposed new security fencing which will be positioned within the existing tarmac drive way. This will ensure minimal impact to adjacent trees. No information is included within the report if roots are encountered during the works, but this could be addressed through supervision during the works.

Therefore, I consider that adequate information has been provided to ensure minimal impact to retained trees during the construction. A condition should be applied to ensure adherence with the approved Tree Report.

Condition

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Tree Report – Arbortech – 10th July 2025.

All excavations for post holes within root protection areas of retained trees should be supervised by an appointed Arboriculturist for the works specified.

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

4.7 **Ecologist – No Objections**

The installation works could temporarily affect/disturb local bat roosting or roost access and the applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act. There are records of multiple bats and other protected species within the wider locality.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

4.8 **Environmental Health Officer (Contamination) Comment – No Objections**

Given what's proposed, we've no comments to make.

4.9 **Area Engineer (Highways) Comment – No Objections**

The Local Highway Authority has no objections to the development proposals.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

5. **Representations**

5.1 **Hereford City Council – February 2026 - Objection**

Although Hereford City Council did not submit a response in respect of the applications following the initial consultation period, the below response in relation to the Full Planning Application has been submitted following the re-consultation period.

HCC has concerns about the proposed style of fencing and the impact this will have on not only the listed building but also the setting within which the building sits, with it not being in keeping with the local character.

5.2 **Third Party Representations**

Following the initial consultation period in respect of the Full Planning Application, there was 1 representation made by a third party which objected to the proposal. Following the re-consultation period, there was 1 further objection made.

The concerns raised are summarised below:

- Bright white casting colour of the proposed security cameras
- Design and appearance of the fencing
- Principle of the fencing to secure the building
- Construction of the entrance gate posts
- Impact upon nearby trees and their root systems

Further information on the subject of this report is available from Ms Heloise Hardwick on

Following the initial consultation period in respect of the Listed Building Consent, there was 1 representation made by a third party which objected to the proposal. Following the re-consultation period, no further objections were made, however the original objection has not been withdrawn.

The concerns raised are summarised below:

- Impact of the proposed fencing the trees and their root systems

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

[Planning search - Herefordshire Council](#)

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

6. Officer's Appraisal

Policy Context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework is a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications.
- 6.4 The proposed works to install security cameras to the exterior of the host building together with fencing along the southern and western boundaries of the site are intended to provide enhanced security for users of the building and improve safeguarding by deterring anti-social behaviour. By securing the site, the proposal would enable the building to continue in operational use, thereby contributing positively to the long-term vitality of the heritage asset and preventing further deterioration of the historic fabric associated with its recent vacancy.
- 6.5 Accordingly, the proposed works facilitate the continued use of the building as a community facility and as such Policy SC1 of the Herefordshire Core Strategy is applicable to this application. Policy SC1 states that development proposals which protect, retain or enhance existing social and community infrastructure or ensure that facilities are available as locally as possible will be supported.
- 6.6 In this regard, the building is appropriately located within walking distance from Hereford Sixth Form College with which the occupiers are associated. The principle of development to provide for the identified security needs of the building and enabling the long vacant building back into occupation is supported and fully accords with Policy SC1.

Further information on the subject of this report is available from Ms Heloise Hardwick on

Design, Appearance and Heritage Considerations

- 6.7 When considering the design and built heritage impacts of the proposed conversion, Paragraph 131 of the NPPF is significant as it states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In doing so, all proposals should take into account the local context and site characteristics. In more specific terms, Policy LD1 of the Herefordshire CS emphasises that development proposals should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.
- 6.8 The host building is a Grade II building and is located within the Aylestone Hill Conservation Area. The impact of the proposed works upon the historic fabric of the building and its setting is therefore a significant consideration to the acceptability of the proposal. The relevant legislation and policies relating to development affecting heritage assets and the wider historic environment are applicable and are set out below.
- 6.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving listed buildings and their setting which is of considerable weight and importance within local and national policy. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 further requires that special regard shall be paid to preserving or enhancing the character or appearance of buildings within a conservation area.
- 6.10 Policy LD4 of the Herefordshire CS makes clear that development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.
- 6.11 Accordingly, the Council's Historic Buildings Officer was consulted in respect of the application and following the submission of revised plans, the initial concerns raised have been addressed and no objections are raised subject to a condition imposed requiring the fencing to have a matt soft black finish. In more specific terms, while it is acknowledged that the fencing would separate the host building from its grounds which would be contrary to the historical layout of the wider site, the fencing would enable the building and grounds to operate independently providing better security for the proposed use of the building for education purposes. The reuse of the vacant building is welcomed and weighs in favour of the proposal in this regard.
- 6.12 Noting Paragraph 215 of the NPPF, it is clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance, it is considered that the proposed works are appropriately designed for their intended use to provide security to the building. These measures would facilitate the reuse of the building which would mitigate further deterioration of the heritage asset associated with its vacancy whilst also supporting its long-term conservation. The whilst the proposal can be considered to result in *less than substantial harm* there would be benefits arising from the proposed works in terms of securing the optimum viable use of the building.
- 6.13 With that said, following concerns raised by the Historic Building Officer in relation to the design and appearance of the fencing, the revised vertical railing fencing is considered to be more appropriately designed in relation to the historical context of the setting and would not result in

any undue harm to the character of the Grade II listed building and the Aylestone Hill Conservation Area.

- 6.14 Additionally, in relation to the proposed installation of the security cameras, while the third party objection in regard to the colour is duly acknowledged, the Historic Buildings Officer raised no concerns in this regard and it is not considered that the proposed security cameras would result in any harm to the historic fabric and character of the heritage asset.

Trees and Biodiversity

- 6.15 CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. Policy LD1 further emphasises that development proposals should maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.16 It is noted that the site is located within the Aylestone Hill Conservation Area and there are existing mature trees within close proximity to the proposed fencing and access gate. As such, the Tree Officer was consulted in respect of the application and following the submission of a Tree Report, it is considered that the proposal would result in minimal impact to adjacent trees.
- 6.17 A condition is recommended to ensure adherence with the approved Tree Report, and for all excavations for post holes within root protection areas of retained trees to be supervised by an appointed Arboriculturist. In this regard, the proposal is considered to be acceptable from an arboricultural perspective.
- 6.18 Furthermore, the Ecologist raises no particular concerns in regard to the proposal, however given there are records of bat and other protected species within the wider locality, an informative note is recommended to remind the applicant's to their obligations under the Wildlife and Countryside Act.
- 6.19 The proposed works would benefit under the 'de minimis exception' (development below the threshold) with regards to mandatory BNG.

Neighbouring Amenities

- 6.20 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.21 It is not considered that the proposed works would result in any adverse impact to the amenity of users of the adjacent public open space and owing to the nature of the vertical railing fencing proposed, would not create isolated or "hidden zones" which would exacerbate existing anti-social behaviour within the park, but would provide security for users of the host building.

Access and Parking Arrangements

- 6.22 CS Policy MT1 states that development proposals should ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services.

- 6.23 The proposal would retain the existing access to the site and is not considered to adversely impact upon the existing parking provision. The proposed works would have no adverse impact to the local highway network.

Conclusion

- 6.24 When assessing the proposed development against the relevant policies, it is clear that the principle of enhancing the security of the host building is supportable and can be afforded weight as a public benefit in relation to securing the optimum viable use of the heritage asset and with no technical objections raised, the proposal is not considered to be in conflict with the Development Plan and is considered acceptable. The applications are therefore recommended for approval.

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:

PLANNING APPLICATION (REFERENCE NO. 251666)

1. Time limit for commencement

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with approved plans

The development shall be carried out strictly in accordance with the approved plans (383 – 05; 383 – 06; 383 – 07; 383 – 03; and 383 – 09; 383 – 04 REV B (received via email 26th January 2026) except where otherwise stipulated by conditions attached to this permission.

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

3. Development in accordance with approved Tree Report

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Tree Report – Arbortech – 10th July 2025.

All excavations for post holes within root protection areas of retained trees should be supervised by an appointed Arboriculturist for the works specified.

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

LISTED BUILDING CONSENT (REFERENCE NO. 251667)

That Listed Building Consent 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. Time limit for commencement

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.

2. Development in accordance with approved plans

The development shall be carried out strictly in accordance with the approved plans (383 – 05; 383 – 06; 383 – 07; 383 – 03; and 383 – 09; 383 – 04 REV B (received via email 26th January 2026) except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

3. Fencing – Appearance

The fencing hereby permitted shall have a matt soft black finish which shall be maintained thereafter.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan – Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

PLANNING APPLICATION (REFERENCE NO. 251666)

1. Application approved following revisions

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

2. Wildlife Protection Informative

Further information on the subject of this report is available from Ms Heloise Hardwick on

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

3. Biodiversity Net Gain (Not Required) Informative

Decision:

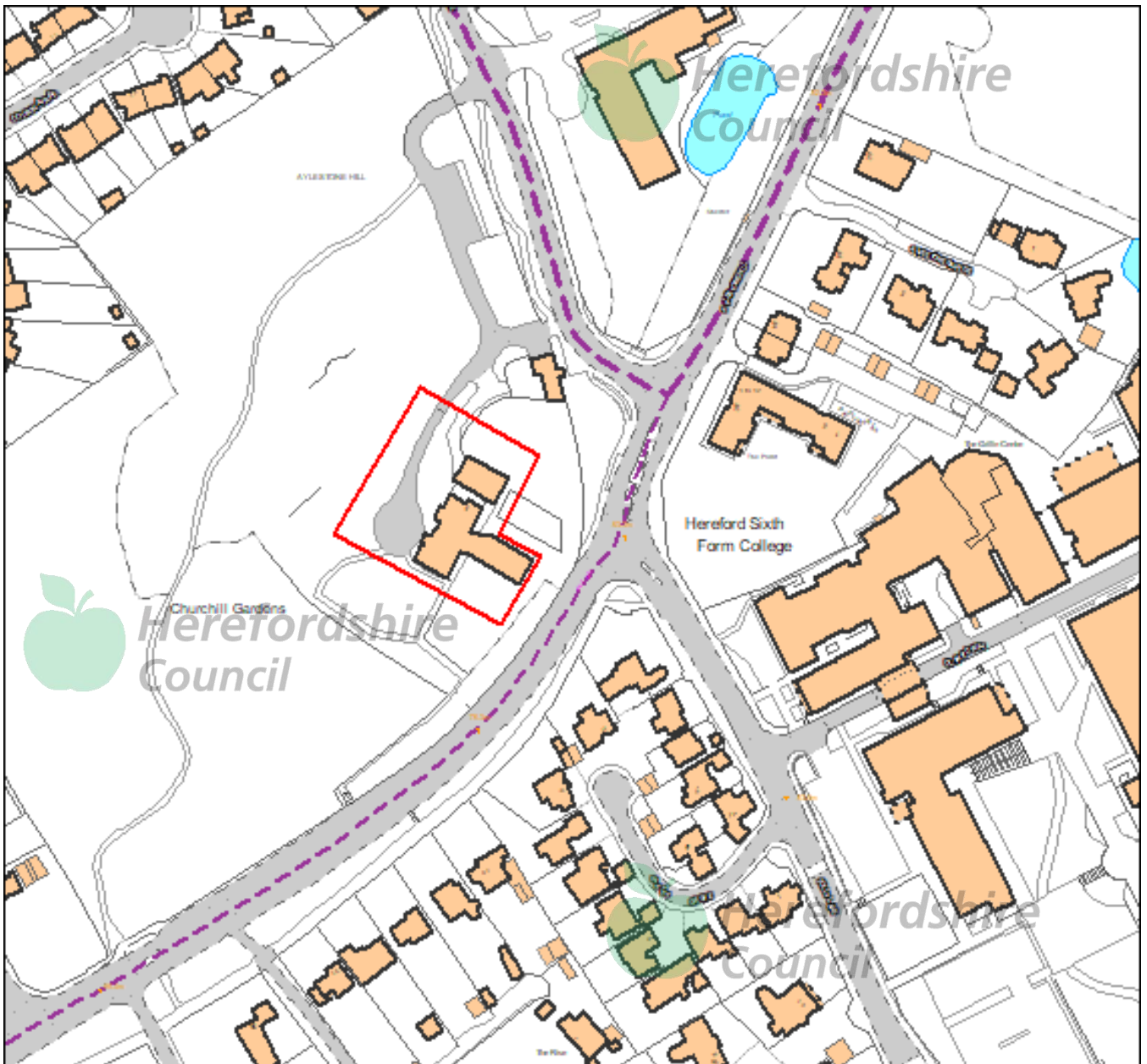
Notes:

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Background Papers

The respective applications have been considered in line with the following list of supporting documents:

- Application Form
- Site Location Plan
- Proposed Site Plan (received by email 26th January 2026)
- Proposed Fencing Details (received by email 26th January 2026)
- Proposed Floor Plans
- Proposed Elevations
- Tree Report
- BNG Statement



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APPLICATION NO: 251666

SITE ADDRESS : CHURCHILL HOUSE, 3 VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE

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