

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

Date Received: 3 October 2016

Ward: Sutton Walls

Grid Ref: 352152,247817

Expiry Date: 31 January 2018

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

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

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

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



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

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

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

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

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



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

2. Policies

2.1 Herefordshire Local Plan Core Strategy

Herefordshire Local Plan – Core Strategy

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

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

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

2.2 Marden Neighbourhood Development Plan

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

The relevant policies are considered to be:

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

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

2.3 National Planning Policy Framework

Introduction

Chapter 1 - Building a strong competitive economy

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable transport

Chapter 7 – requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

2.4 National Planning Practice Guidance

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

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

3. Planning History

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

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

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

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

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

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

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

4. Consultation Summary

Statutory Consultations

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

Internal Council Consultations

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

Recommendation

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

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

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

Designation

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

Asset of Community Value

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

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

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

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

British Standard BS7913 - Guide to the Conservation of Historic Buildings

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

Significance

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

Impact

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

Magnitude of Impact

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

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

Existing Structures

Volunteer Inn – Exterior

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

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

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

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

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

Volunteer Inn – Interior

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

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

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

Other Structures

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

Historic Development & Significance

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

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

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

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

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

Applicable Policy

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

National Planning Policy Framework

Chapter 12, paragraph 129:

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

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

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

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

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

Chapter 12, paragraph 131:

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

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

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

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

Chapter 12, paragraph 135:

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

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

Herefordshire Core Strategy

Policy LD4 – Historic environment and heritage assets

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

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

Core Strategy Objective 12:

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

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

Policy RA6 – Rural economy

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

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

Marden Neighbourhood Plan

Objective 7

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

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

4.8 Economic Development Manager

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

Justification

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

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

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

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

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

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

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

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

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

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

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

4.9 Transportation Manager has made the following comments:

Traffic Generation:-

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

Highway capacity:-

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

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

Accessibility by other modes of transport:-

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

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

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

Cycling:- in Highway

Access:-

Safety

Available Accident Data

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

Speed limit:- 30 MPH

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

Applicant supplied information referred to in the applicants Transport Assessment:

Section 3.4.1

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

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

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

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

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

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

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

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

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

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

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

Design

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

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

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

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

Vehicle Parking Provision:-

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

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

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

Cycle Parking Provision:-

Proposed:- 4 staff

Existing:- 0

Section 106 Obligations

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

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

Existing structure floor area = 400sqm

From Applicants HIGHWAY IMPACT STATEMENT (JULY 2016):

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

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

From Applicants HIGHWAY IMPACT STATEMENT (JULY 2016):

"3.0 PROPOSED DEVELOPMENT

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

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

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

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

COMMENTS:-

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

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

Existing Bus stop is safely retained.

5. Representations

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

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

5.1.1 Initial comments received December 2016 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

....

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

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

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

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

5.1.2 Comments following re-consultation (October 2017):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Officer's Appraisal

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

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

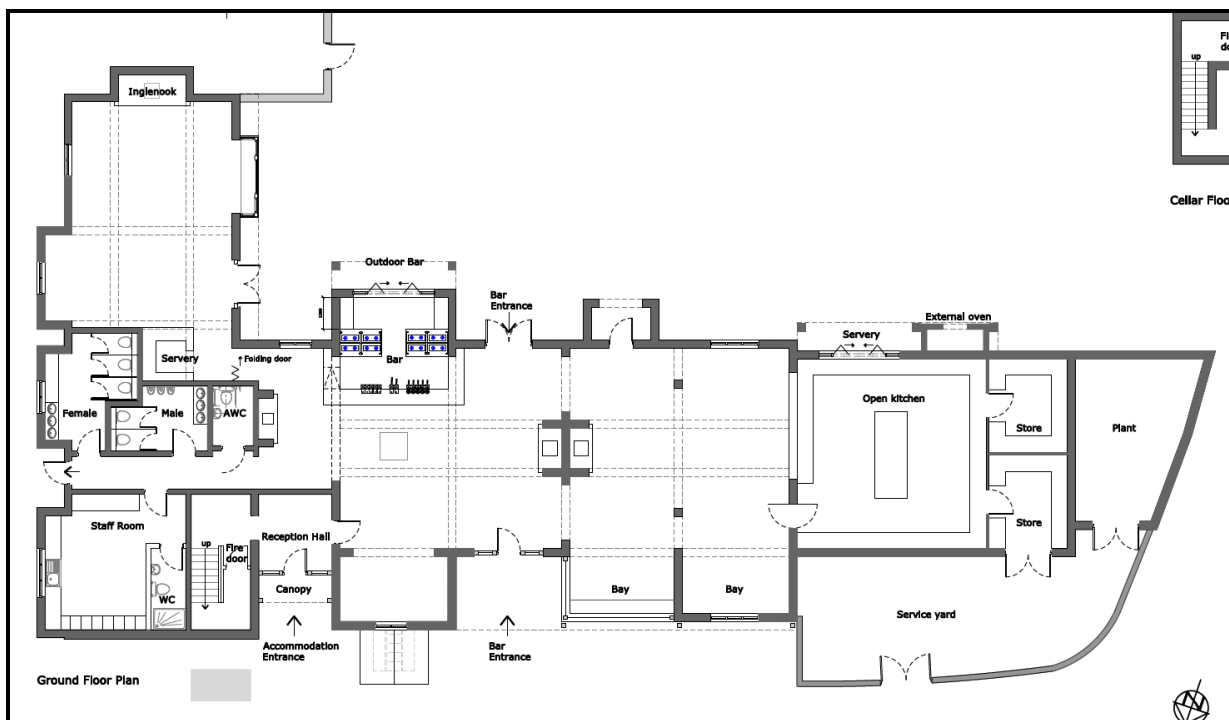
6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption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

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

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

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

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



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

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

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

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

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

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

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

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

Heritage Assets

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

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

Design and Amenity

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

Transportation

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

Ecology

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

Drainage

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

Conclusions

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

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES:

1. **Positive and Proactive**

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

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

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

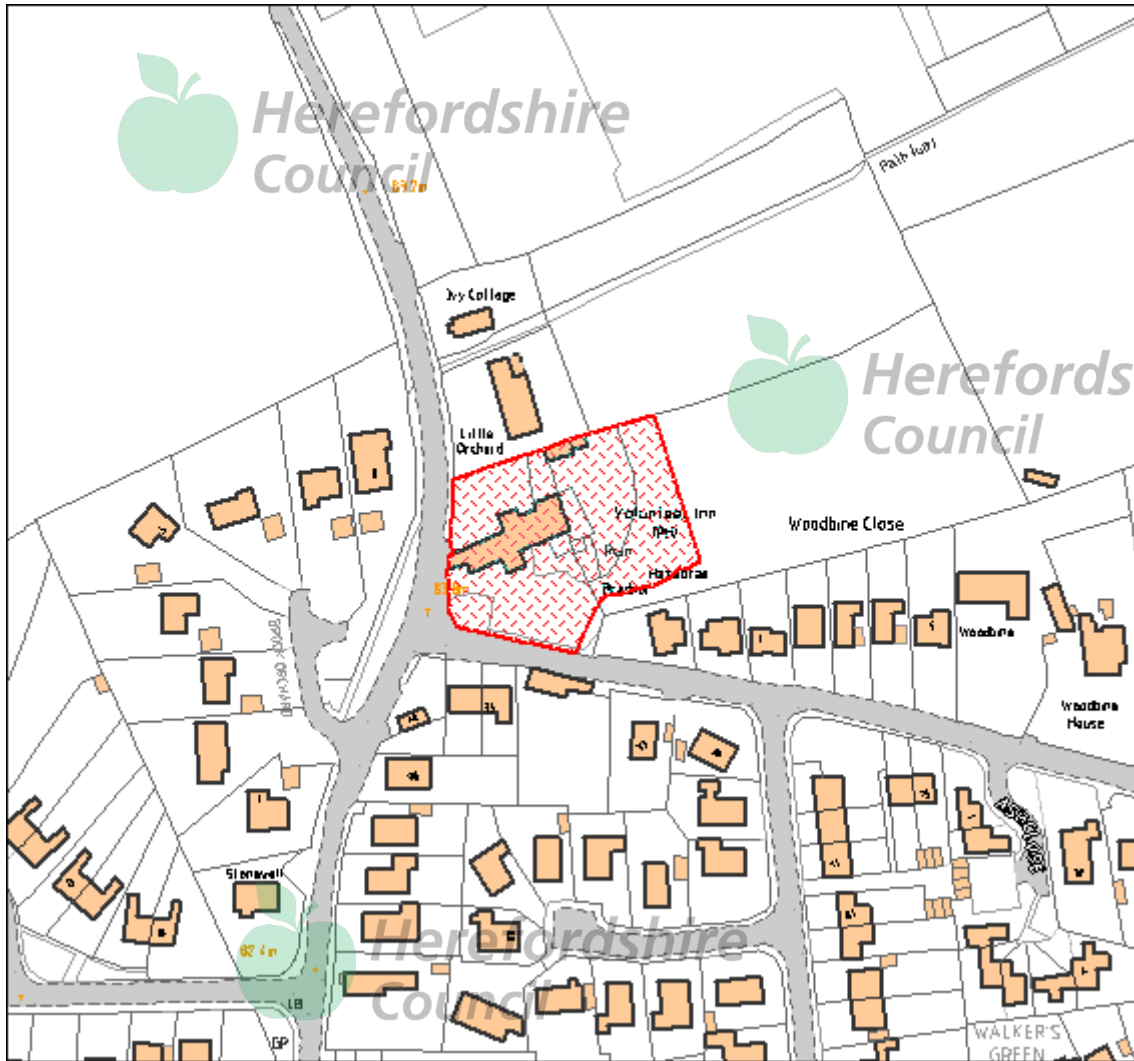
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163159

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

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