

Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 13 March 2024

10.00 am

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
OLE**

Schedule of updates

Public speakers

Pages

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PLANNING COMMITTEE

Date: 13th March 2024

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.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th March 2024
TITLE OF REPORT:	213413 - PROPOSED ERECTION OF A DWELLING OF OUTSTANDING DESIGN AND ACCOMPANYING WORKS, INCLUDING A NEW ACCESS, EXTENSIVE LANDSCAPING, BIODIVERSITY IMPROVEMENTS, AND DRAINAGE ARRANGEMENTS AT GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ For: Mr Yardley per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

Email received 8th March: Malvern Hills National Landscape Team Assistant Manager

The Malvern Hills National Landscape Team have reviewed the officer report for this application which you are to consider at your meeting on Wednesday 13 March. We wish to make several observations.

Legislative Duty

At Section 2.5 of the report, the officer errs in respect of legislation and a factually misleading statement as to members' statutory duties is presented. As part of the Levelling Up and Regeneration Act (2023), Section 245 (Protected Landscapes) introduced legislation which came into effect 26 December 2023, amending Section 85 of the Countryside and Rights of Way Act (2000), which now requires "*in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to **further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty***" (Section 85(A1) of the Countryside and Rights of Way Act, 2000).

This inherently strengthens the previous duty to 'have regard' which the officer refers to. We feel it is critical that members are clear on their current legal statutory duty as Herefordshire Council is a 'relevant authority'. Failure to correctly discharge a statutory duty when determining an application, particularly when legislation is incorrectly cited, could be a prima-facie ground for judicial review.

Misapplying of policy/weighting in the context of housing land supply position

The Council has a five-year housing land supply and housing policies within the Council's Core Strategy can be considered 'up-to-date'. The Colwall NDP is also 'made' (adopted). Section 6.60 of the report states, "on the basis that the proposal complies with policy RA3(6) of the Core Strategy, the proposal is fully policy compliant". Policy RA3 clearly states, "In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria: 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 [now 84 as per the 2023 revision] of the National Planning Policy Framework and achieves sustainable standards of design and construction".

If the proposal is considered to comply with Policy RA3, it must be assessed against Paragraph 84 rather than paragraph 139, but this is not clear from the officer report. Paragraphs 84 and 139 houses demand different architectural responses and must meet different criteria. Analysis of previously dismissed appeals reveal the potential drawbacks of overlooking this distinction e.g. an appeal in Bath and North East Somerset (Appeal. Ref: 3208289). Whilst both policies require development to be 'outstanding', the latter (Para 139) must be sensitive to surroundings and regard local design policies, the former (Para 84) often has a 'stand-out' approach. We consider that Policy RA3 requires the proposal to be assessed against Paragraph 84 not Paragraph 139, as inferred at 6.22 of the report. If officers do not consider the proposal to align with Paragraph 84 because it is not 'isolated', how can it accord with Policy RA3(6) and be policy compliant?

Applications for Paragraph 84 and Paragraph 139 developments within National Landscapes are few and far between. Given recent revisions to the NPPF, this 'test case' application will contribute to planning case law. If you are unsure about the proposals, we advise you to refuse planning permission to enable the Planning Inspectorate to make an appropriate judgement.

Credentials of the development - Innovation and sustainability

Whether the proposal is judged against Para 84 or 139, the design should be outstanding. In the case of Para 139, it should demonstrate state of the art technologies and new products which push the sustainable housing envelope in ways which are new and innovative. We draw the committee's attention to the fact that the 'innovative design' approach set out, particularly sustainability, is not new and appears to be very similar to a proposed dwelling at Flow House, Ullingswick (P202412/F and P221177/F), where Tesla Batteries and Earth Energy Bank storage was also promoted. Both applications were refused by this committee as it was not representative of innovative sustainable development and was deemed to harm landscape character and visual amenity. Fabric first approaches are also not unique and are found in many applications presented to you. The same applies to other 'innovative' sustainability measures presented in this application.

Form and scale

We consider that there are some good elements of the proposed development such as the work on colour but the proposed building, overall, shares similarities with modern architectural approaches found elsewhere in the country and the local area, including existing design methodology and technologies. The exceptionally large building footprint (680m²) does not add to the sense of local distinctiveness i.e. does not fit in with the overall form and layout of buildings close by. No assessment of this appears in the report. There are no planning conditions which require the supposed 'innovative' credentials to be secured, leaving little control for enforcement. This significantly diminishes any positive weight which should be attached to the dwelling's sustainability credentials.

Conflict with Colwall NDP

Policy CD8 of the 'made' Colwall NDP states that proposals in the open countryside outside the settlement boundary of Colwall, notwithstanding being required to establish the principle of development, are also required to respond positively to the relevant design principles relevant to landscape character type. Does this three storey dwelling (noting the ground floor, first floor and second floor plans) relate to the following criteria of 'Principal Wooded Hills' which the site lies within: "11. New development, alterations and conversions should respect the characteristic simple plan form and small scale of no more than two storeys."

Planning Conditions

Many details intend to be dealt with by discharge of conditions. Many of the proposed schedule of conditions do not meet the six tests of Planning Practice Guidance in respect of 'Use of Planning Conditions', and having regard to the recently introduced Paragraph 140 of the NPPF, including conditions 2, 4, 5, 7, 8, 9, 12 and 15. There is nothing to stop the applicant, for instance, from erecting a 2 metre high close board fence around the entire application site, which may fundamentally alter many of the currently suggested visual effects upon the National Landscape, or of occupying the dwelling without a landscaping scheme which is appropriate for the AONB designation.

Summary

We accept the proposal has some merits, but do not consider it to be the 'exceptional quality and innovative design' that the very high-bar of Policy RA3(6) of the Core Strategy clearly requires. We consider the application to conflict with Policies RA3, LD1 and SD1 of the Council's Core Strategy, Policy CD8 of the Colwall NDP, Paragraphs 84 and 139 of the National Planning Policy Framework (December 2023), and the Malvern Hills AONB Management Plan 2019-2024.

We urge the committee to refuse the application.

Email received 8th March: Tompkins Thomas (applicant's agent)

Please find attached a Construction Traffic Management Plan (CTMP) as required by condition 5 of the planning application. Movement of construction vehicles seems to be a major concern of locals, particularly the MHT, so the applicant has commissioned the attached in advance of the meeting to allay any fears in this respect.

A copy of the CMTP is included as an appendix to this update.

OFFICER COMMENTS

With regard to legislative duties, the comments from the Malvern Hills National Landscape Team Assistant Manager are noted and Members should apply and be cognisant of the amended wording of Section 85 of the Countryside and Rights of Way Act (2000) as set out above, and must consider whether the scheme furthers the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty

Officers take the view that the proposal does further the purpose of conserving and enhancing the AONB. Whilst not explicitly expressed in such terms, paragraphs 6.35 and 6.40 of the officer's report refer.

The comments from the Malvern Hills National Landscape Team Assistant Manager suggest a misapplication of policy in respect of policy RA3 and the requirement to apply it in respect of paragraph 84 as opposed to 134 of the NPPF. Officers accept that there is a degree of tension here, but the NPPF, as with the policies contained within the Core Strategy and the Colwall NDP, should be read in their entirety rather than applied individually.

RA3(6) of the NPPF refers to paragraph 55 of the NPPF, which is now superseded by paragraph 84. Paragraph 84 refers to the development of “...*isolated homes in the countryside*...” It is clearly evident that the site is not ‘isolated’, but it is entirely irrational to suppose that it’s intention is to only allow schemes that are truly isolated and not schemes, such as this, which achieve high quality of design and sustainability but lie at the fringes of settled areas.

The comments from the Malvern Hills National Landscape Team Assistant Manager are not clear as to why the recommended conditions do not meet the tests of the Planning Practice Guidance. It is however acknowledged that condition 15, which seeks to remove permitted development rights, does not include boundary fences and walls. It is therefore proposed to amend the wording of condition 15 to reflect this.

With regard to the CMTP the Council’s Transportation manager has commented as follows:

I have reviewed the CTMP and there are a few points which need clarifying:

- 1) The method for wheel washing needs to be specified, e.g. jet wash
- 2) The Layby for construction vehicles – this should be constructed with a 225mm compacted sub-base as it will be a fairly permanent feature (1-2 years) rather than the matting or crushed stone as referenced in Section 8.2. In addition, it would need to be removed in its entirety and the grass verge reinstated
- 3) It is understood that staff and visitors would park within Glenwood Paddock – a plan showing what land would be set aside and how it will be surfaced should be included within the CTMP.

At this stage I cannot agree to the discharge/removal of the condition without the above information.

CHANGES TO RECOMMENDATION

Condition 15 is to be re-worded as follows:

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and Class A of Part 2 of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th March 2024
TITLE OF REPORT:	231703 - DEMOLITION OF EXISTING HOTEL AND ASSOCIATED STRUCTURES AND ERECTION OF CLASS E FOODSTORE WITH ASSOCIATED ACCESS, PARKING, SERVICING, DRAINAGE AND LANDSCAPING. AT THREE COUNTIES HOTEL, BELMONT, HEREFORD, HR2 7BP For: Lidl Great Britain Ltd per Mr Peter Waldren, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

ADDITIONAL CONSULTATION RESPONSES

Email: received 5th March 2024: Richard Machin 10 Glastonbury Close

Good Afternoon,

To whom it may concern, firstly I would like to say how disappointed I am to discover that the Planning Committee would be running a meeting, on a Wednesday at 10am. Considering the majority of people work Mon-Fri 9-5 at a minimum this means I am unable to attend the meeting as I will be at work. As I am sure is the same for many others who would appreciate the chance to give their point of view in person.

With that said I would like the following OBJECTION put on record for the meeting.

My stance on the application for the Lidl Supermarket hasn't changed from my previous objection.

- Lidl have done nothing to alleviate my concerns around the noise that will basically be right outside my bedroom window. Day and Night.
- The loading bay will run along the rear of many peoples properties and the loading area will be directly outside my bedroom window again. Noise between 7am-11pm in what is now a quiet residential area. Will now be ruined again by big business.
- The Freezer and Chiller storage and A/C units again are on the building directly adjacent to my bedroom windows. Which will run 24/7 affecting my quality of sleep, health and life.
- Seagulls are already a huge issue across other buildings and units, that are of similar style and will no doubt cause a hygiene issue. This issue is evident across the city already. With little ever done to resolve this due to their protected nature.
- The traffic on the Belmont Road is already horrendous, and I see no way that the alleged improvements will make any difference. Only bringing in more traffic to an already congested road.
- The destruction of a perfectly usable and viable building seems against any logic and isn't environmentally friendly. A Greener Herefordshire seems like a pipe dream if you're happy to demolish perfectly good buildings, this isn't logical or environmentally friendly. When we are meant to be working towards a Greener County, and a better world for our children.

- South Hereford is in desperate need of a fully functional community centre. To me logically this building could be used as a pub/restaurant and community centre. Or just a hotel as it already is.
- The destruction of this hotel is going to create endless mess and noise, then the construction of the new building is going to do exactly the same thing. All of this in what is again a quiet residential estate. We already have Tesco's, Asda, Farm Foods and now a Morrisons Local within a mile of each other. In beggars belief that anyone can honestly see the sense in having another supermarket that close to the others.

Surely out by the Roman Road where there is 4 to 5 new estates would be more sensible.

Email: received 5th March 2024: Kirsty Craven 10 Glastonbury Close

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- Seagulls are already a huge issue across other buildings and units, that are of similar style and will no doubt cause a hygiene issue. This issue is evident across the city already. With little ever done to resolve this due to their protected nature.
- The traffic on the Belmont Road is already horrendous, and I see no way that the alleged improvements will make any difference. Only bringing in more traffic to an already congested road.
- The destruction of a perfectly usable and viable building seems against any logic and isn't environmentally friendly. A Greener Herefordshire seems like a pipe dream if you're happy to demolish perfectly good buildings, this isn't logical or environmentally friendly. When we are meant to be working towards a Greener County, and a better world for our children.
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The destruction of this hotel is going to create endless mess and noise, then the construction of the new building is going to do exactly the same thing. All of this in what is again a quiet residential estate. We already have Tesco's, Asda, Farm Foods and now a Morrisons Local

within a mile of each other. In beggars belief that anyone can honestly see the sense in having another supermarket that close to the others.

Surely out by the Roman Road where there is 4 to 5 new estates would be more sensible.

Email: received 11th March 2024: Kirsty Craven, 10 Glastonbury Close

I object to the planning application for the demolition of The Three Counties Hotel and the building of a Lidl supermarket. I have extreme concerns relating to not only light, noise and traffic pollution from the demolition, building and completion of this project, but also the flood risk brought on by filling in the pond. The pond is linked to the Newton Brook which runs along Glastonbury close and as the environment agency have advised, it will increase the risk of flooding in the area. It would appear that the correct measures won't be put in place and even so, why upset a system that is working just fine without a single flood for as long as I've lived here, which is 23 years.

I am extremely confused as to why this would even be considered an option, as this could potentially flood people's homes, or even put the lives of humans and animals in danger. The EA has objected to this more than once due to this risk, so why even leave this to chance when people could end up having their homes ruined and suffer other ramifications such as issues listed above including problems with insurance etc. I'd like to think that the planning department are there to protect people from things like this, not put people's property at risk.

Right now, we have a perfectly good hotel in front of our house that is lowly lit, in keeping with the area, and has never caused us problems with constant noise or given us reason to believe that they could sabotage our property with floods, and now we're told this is going to be replaced with a heavily lit, seagull attracting, metal and glass supermarket, with constant noise, and could put our house at risk of ruin. How can I do anything other than object? This should be kept as a hotel/restaurant and the pond should be left well alone.

I have been told that there will be many new houses built in Rotherwas and around Roman road. As there are no supermarket options of any great magnitude in those locations, I feel a supermarket would be far better utilized in those places, as we have plenty. As far as extra jobs are concerned, the hotel was already employing plenty of staff in the first place, which was made evident at the Parish Council meeting by a member of staff from the hotel, and if it's made back into hotel/restaurant, it will do so again. It would be lovely to have somewhere to go for a meal or drink close by without having to drive.

Email: received 11th March 2024: Colin James 17 Glastonbury Close

To the planning committee,

Due to work commitments, I am unable to attend today's meeting however, as a local resident of over 30 years I urge you all to please seriously give this absurd application some thought and refuse this planning application.

Even though a large number of you do not reside in the city, you might not be completely aware of the everyday impacts that traffic congestion on this route has on the community and local neighbourhood! Traffic congestion frequently stretches well over a mile beyond the Clehonger junction on the A465 coming into the city northbound. There is often vehicles spilling out of the McDonalds Drive-Thru next door which often causes traffic obstructions and additional congestion in both directions and as far as the pedestrian crossing near The Oval shops. This does not account for the endless delivery drivers parking on the pavements from delivery companies such as Uber Eats, Just Eat and Deliveroo as a few examples.

Near the bottom of the report, under the heading "**OTHER**," I notice that the officers report mentions a petition from the prior application. However, it fails to note, though, **that more**

than a thousand locals signed the petition and expressed their disapproval!

Furthermore, out of over 220 objections originally received, only 12 were in favour of the application. Although I acknowledge that this is a slightly amended application, most people are unaware that they need to file another objection on the new amended planning application even though they believe they have already done so, we all know it more or less essentially amounts to the same thing and over a thousand local residents views should therefore be taken into account in opposing demolishing a perfectly good hotel/venue/facility only built in the late 1970's in favour of yet another supermarket on this notorious A465 Belmont Road congested hotspot in Hereford.

There is already a Tesco supermarket less than 300 metres away and an Asda supermarket less than $\frac{3}{4}$ of a mile further along the very same road, not forgetting The Oval and other small independent shops and a large Farm Foods in between.

The Environment Agency have serious concerns over flooding and state that a Culvert is an unacceptable replacement for a pond as they are prone to getting blocked. There are also concerns over Tesco Trolleys ending up in the surrounding Newton Brook, which has previously never flooded.

Considering that this is the last remaining licenced venue in the neighbourhood, it would be a huge waste to proceed with the demolition of this excellent facility and forfeit this. This building can serve a variety of purposes, such as continuing to operate as a hotel, serving as a rehabilitation centre for patients recovering from surgery, or even having the ability to convert into an assisted living facility for the elderly or disabled.

I hope the committee will reject this planning application in line with the majority of objections, which include the voices of over a thousand local residents who took the time to sign the petition. Please support the local constituents and not the big corporates.

Email: received 9th March 2024: Mark Richardson

Dear Mark,

Although I no longer live in Belmont (I moved to Dilwyn after 30 years at Sydwall Road) I did vote for you in May of last year and feel compelled to write to you directly to express my concerns regarding the planning application for the proposed demolition of the Three Counties Hotel (always known to me and my family as the Moat House). I understand it is coming before the Planning and Regulatory Committee next week and that the case officer is recommending approval. This worries me for several reasons, which I will do my best to outline as briefly as possible.

I note the first application was withdrawn, with over 250 objections and some officer objections/concerns, and has now reappeared in not substantially modified form but with the promise of adherence to a raft of potential conditions. As someone who started life as a town planner I have always been concerned about the increasing trend over the years for so many Herefordshire planning applications to be passed with a raft of conditions. One or two conditions are understandable but when a raft of conditions rivaling War and Peace for length accompany an application, often a resubmitted application, my sixth sense and a sense of skepticism kicks in. As it has here. I have read the report and accompanying documents (reports, representations, etc.) in full. This took an awful lot of time, about 5 hours in total, and made me wonder if it's reasonable to expect Councillors to devote such a large amount of time to get to grip with all the details of such an application and just one of many they will need to deliberate on in the course of the meeting (and I wondered further if that was a deliberate ploy on the part of some players, but perhaps I am being too cynical). When an application is resubmitted but only changes marginally it does make me concerned that attempts are being made to circumvent reasonable objections by members of the parish council, public and council officers who are consultees, by promising to adhere to a raft of conditions that are supposed to mitigate those original and valid concerns. A few things

struck me about the application and the case officer's recommendation to approve the application and I have outlined them as briefly as possible below, but I urge all members of the committee to review the previous application and take note of the volume and detail in the 250 odd objections attached to that withdrawn application as well as the 80 or so on the resubmitted application you will be considering on the day.

First off, the report says the 'hotel is closed but could reopen as a hotel etc' but accompanying documents from the applicant's consultant regularly state that the hotel is closed and therefore there is no functioning hotel per se. This is disingenuous. The hotel was functioning as a hotel until very recently, as demonstrated by the numerous disappointed and heartbroken comments online by people who had been planning to get married there last year and this year, and it is still classed as a hotel in planning use terms and still presumably has the required licences to function as a hotel, including an alcohol license - or in any case could reapply for them. The current owners (since 2015), who are not local but Oxford-based, appear to have struggled or lacked the will to get going again after the pandemic and perhaps felt a more lucrative sale of the property to property speculators/supermarket companies was the easiest way forward (it certainly would provide a much bigger buck bang for them to sell a brownfield site if they could get change of use - demolition of the buildings being a good way of going down that path). At another point in the report there is a reference to the hotel being for non-local guests and therefore the impact on the local community being not so great if it were lost. This is patently absurd and, in my opinion, an attempt to down play the community and amenity value of the hotel. We have all used the Three Counties (previously Moat House) for drinks, gatherings, and conferences. Up until the hotel closed its doors to paying guests I would regularly meet friends and work colleagues on a Wednesday afternoon in Mundis bar to enjoy a pint or Gin and Tonic - inside in its plush interior or out by the pond on the terrace in the warmer months, where we'd enjoy what must be one of the County's most powerful fountains and the dragonflies that fluttered around the lilies. There are no other places for us Belmont or Newton Farm folks to have a quiet pint. The Vaga is a long across the brook and a very different type of pub - and too small and lacking in facilities to entertain families and friends. Now that Hedley Lodge is currently occupied with the homeless we also have no hotels this side of the river on the Belmont Road. Literally hundred of my friends and members of my family have stayed in the hotel over the years and many others will continue to do so if the hotel remains open. I note one of the very few supporters of this application says the hotel is run down. It is not, the gardens and buildings look immaculate. It is 'of its age' but it is a very pretty hotel and grounds. It provides a welcome break to the eye as we sit in gridlocked traffic on the main road (something which I will touch on shortly again). The Council's landscape officer objected to the original application (that objection not included in this report for some reason) because, "The Hotel and it's grounds are dated / of their time, however it is not a degraded, derelict or detracting feature in landscape or townscape terms. The green frontage and site trees do make a limited positive contribution to urban green infrastructure". I'll come back to the comment about the buildings 'being of their time'. There is also no conference facility like the Three Counties offers anywhere in the City, as demonstrated by the Council using the conference rooms to get the entire cohort of Cllrs. and officers and public in comfortably during the period when they were unable to use the Shirehall and needed a space big enough to allow Covid pandemic distancing rules. Where else could that have been done? Where else would many conferences be held, or big weddings or big work Xmas parties? The loss of the accommodation, hospitality and conference facilities would have a seriously detrimental effect on the locality and the City. I have included the link to the current website to show you how 'open for business' the hotel appears and could be if this application is refused. <https://www.threecountieshotel.co.uk/>

Regards the need for another superstore. really? We have Tesco and Asda and Farm Foods all within easy reach. We also have Local Plan policies that state we shouldn't be degrading the City centre by allowing out of town centre retail and supermarket development (HD2) so why are officers recommending approval? It's quite extraordinary - and illogical. I note another of the very few supporters of this applications says she wants a Lidl at Belmont so she can stop on the way home from work to buy groceries. She lives in Tupsley and has a

Lidl at the bottom of Commercial Road and Aylestone Hill, why would she want to shop instead on Belmont Road - unless she wants to leave her car in the gridlocked traffic to nip in-store? Quite absurd.

Regards sitting in traffic on the Belmont Road. Planners made a huge problem for the City in the mid to late 80s when they allowed the enormous development of the fields around the then Moat House (Three Counties) and around the old County landfill site without the necessary accompanying transport infrastructure. Those of us that remember, will remember, that the Three Counties was the last building you saw as you left Hereford on the way to Abergavenny except for the 'haunted house' on the left before the duck pond and the farm on the right before Belmont Abbey. Allowing Tesco and thousands of houses to be built without dealing with the transport issues was a grievous mistake, yet planners, like today, make or accept projections by applicants transport 'experts' and allowed the development. We had no gridlock on the Abergavenny or Belmont Road until this time. We then allowed the MacDonald's drive-thru to be built more recently, in the most inappropriate spot, once again with applicant's transport experts telling us that would present no problems - and we live with the daily disruption, increased danger and road rage of that decision as vehicles regularly back up onto the main carriageway and impede traffic further on an already congested road. Policy MT1 of the Local Plan says no development must be granted permission if it is likely to impede transport networks; **5.1.54 Development proposals should not inhibit the safe and efficient flow of the strategic network.** Now this applicant's transport consultants tell us once again - us who live here and no full well the issues to the contrary - that 1800 odd daily trips in and out of the proposed Lidl will pose very little disruption. They claim, without evidence extraordinarily enough, that most of these trips will be by people already the road anyway (like the lady on the way home to Tupsley perhaps). Aside from the fact they cannot and do not explain how they come to this conclusion it is not an increase in traffic that is the problem but traffic that is stopping to turn off or wishing to get onto the road that is the issue. Imagine the added chaos of trying to get along the already congested Belmont Road, dealing with the chaos at the MacDonald's entrance, plus traffic trying to exit from Goodrich Grove and now the extra mess at the Lidl junction. The road simply cannot cope. The consultants have also used the industry standard TRICs formula to estimate how many trips will be generated by Lidl - and then admit this same methodology got it very wrong when used to estimate trips to the new Aldi store in Ledbury - got it wrong by 48%! They say in this transport assessment they have adjusted the formula to account for this discrepancy but how? Just by bunging on a 50% variance? Based on what? This daft and just, I'm afraid, the usual smoke and mirrors accompanied by count data to try and bamboozle elected members into believing this is anything but best guesses. And those best guesses have been wildly wrong before and it us, not the consultants or developers or retailers, who have to deal with the consequences. We need to be making common sense decisions based on local knowledge not projections from people who are paid to find a way to get applications approved for their paymasters.

Now, the heritage aspect of the rather grand building and grounds. Yes, they are 'dated and of their time' but any building that is historic is thus classified. It is not run down and it is something worth preserving. It may not be everyone's cup of tea but it is a handsome and imposing site and provides a welcome vista along a road now full of the back of houses and unkempt hedges. It is interesting to note that when the Tesco was built at Belmont the planners required it to mirror the style of the Three Counties, meaning they regarded the Three Counties as being architecturally important and defining in character regards the built locality. Unfortunately, for whatever reasons our heritage officers today do not have the same regard for the building. Never the less Policy HD2 should be considered here. This is a landmark building unquestionably, you could show everyone in Herefordshire a picture of it and they would know it, it defines the area considerably and should not be destroyed and it's unique vista be replaced by another generic pressed metal and sheet glass box of no architectural merit. Just because our planners are unable to do their job doesn't mean our Cllrs. shouldn't step up for their community to do so.

And finally, a further point about heritage. I am not sure if members will know the history of this landmark building. It was built in 1979 by two of Hereford's most renowned Polish emigres, Alfons Sikora (who owned Intek Flooring on Burcott Road among other businesses) and Frank Taday (who owned the Spread Eagle amongst other businesses). Both these men, and others like Mr Priebe who founded the Hereford Admag, came to Hereford as part of the 1948 cohort of emigres that were escaping post war Soviet occupied Poland and were looking for a new life after the utter destruction of their country and way of life by the Nazis and the Soviets. Sikora and Taday came to Hereford particularly because of the Polish forces connection at Foxley Camp in Mansell Lacy on the Davenport Estate and Hergest Camp outside Kington. Like their countrymen who had fought for us during the war they came to Hereford to live and work and because they wanted a new, safe and brighter future for themselves and their families and they repaid the people of Herefordshire by building businesses and creating jobs and integrating into their new home. They found a safe refuge in Hereford and gave us much in return. The building of the (originally titled) White Eagle Hotel was the culmination of all those factors and motivations. We had nothing like it in Herefordshire (and really still don't). A modern, clean, imposing multi use hotel and conference centre the likes of which we had never seen. I remember seeing their names on the plaque as you walked through the old entrance doors (still there) and marveling at what they had been through and what they had achieved and what they had contributed to their new and forever home of Hereford. And how are we to replay that legacy? By knocking down such an impressive building for a budget supermarket, I am afraid I get a little emotional at the thought. <https://www.herefordtimes.com/news/20065827.memories-three-counties-hotel-amid-lidls-plans/>

Apologies for rambling Mark and for overstepping in any way by writing to you and other members of the committee and neighbouring ward Cllrs, who I have blind copied in - as well as the clerk of Belmont Rural parish council, which has strongly and correctly objected to both these applications. I know you cannot predetermine anything before the meeting so I expect no reply from you or others but I had to let you know my feelings. It will be a very very sad day indeed if we allow this application to succeed. A very sad day indeed. Rather, we should be insisting on listing this building.

All the best, hope you are keeping busy and serving the residents of Belmont Rural well. I am sure you are.

Email: received 9th March 2024: Mark Richardson

Sorry Mark, I forgot to mention another very important issue, one that may be the most significant.

The drainage department (Balfour Beatty acting as the Council's technical advisors) objected to the previous application. An officer, Joel Hockenull, raised serious concerns about the hydrology impact of filling in the pond in front of the hotel. It seems that when the hotel was built a pipe connected the outfall of the historic Newton Brook to the pond and an overflow pipe exited the pond and fed back adjacent to the new channel/ditch that was built to the north and west of the hotel as an overflow should the piped brook exceed capacity going through the hotel grounds and pond. He stressed that the loss of the attenuation capacity of this pond was something that concerns him because the pond was taking extra water during heavy periods and an enclosed narrow pipe (as proposed) will not.

We know that the hotel sits within a low-risk EA flood zone but that is regard flooding from the river Wye so please be aware of that. Once again it's slightly disingenuous for anyone to say the risk of flooding is low when what they are saying is the risk of flooding from the Wye is low. Which know that, we accept the Wye has never backed up to here. However, there have been issues of localised and flash flooding along the brook - and I think Cllr. Tillett in the neighbouring ward has had to deal with an issue there previously in recent years. Mr Hockenull seemed to have requested pre-application hydrology modelling regards the risk of increased risk of flash flooding if the pond is filled in but I don't believe that was done. He

also feels the open culvert and sluice gates of the current layout around the pond provide a better opportunity to keep the watercourse clear whereas the applicant's consultants feel a closed system is better (I'm afraid I agree with Mr Hockenhull regards maintenance of the watercourse). Mr Hockenhull then appears to stop responding to further queries from the case officer (perhaps in frustration or simply because he was on leave or busy) and a Ms Allen is the Balfour Beatty technical officer who responds telling the case officer that;

I appreciate you have had a lot of correspondence with Joel regarding the above site, however we just wanted to clarify that the following need to be included as Land Drainage conditions in the Decision Notice, should approval be granted:

- ***(Pre construction condition) Detailed surface water drainage design plans/construction drawings and associated calculations.***

This is a crucial condition as the surface water drainage strategy which has been presented at planning is not detailed enough for construction purposes.

- ***Trial pit information confirming the route of the 450mm pipe that has been identified which carries flow into the site (referred to as SW1 on the survey). The development will need to consider provision for the ongoing inflow of surface water from this source.***
- ***Shopping trolley condition – as per the below correspondence.***

The shopping trolley comment was in relation to concerns that shopping trolleys could act as trash screen if dumped around the brook and cause rapid flash flooding (the applicants have at least answered this query by promising to put in magnetically controlled brakes on trolleys which should stop trolleys leaving the car park).

However what concerns me and what I would be very grateful for clarity on if you are able to question the case officer is whether the pre-app modelling was done or not as requested by Mr Hockenhull and why she is asking Cllrs. to approve an application which requires the Council's drainage officers to insist on pre-construction conditions because, "***This is a crucial condition as the surface water drainage strategy which has been presented at planning is not detailed enough for construction purposes.***"

You see this is the nub of the problems that accompany applications that members are being asked to consider on the promise of so many conditions rather than making those decisions based on certainty around central issues such as drainage. It is silly and irresponsible to pass such a large application and then deal with drainage afterwards - because what that does is then put all the pressure on our drainage team to eventually agree whatever scheme is presented to them or they are essentially taking responsibility for refusing such a large application when that responsibility should lie with planning officers or members. It is inherently unfair on our technical teams - whether they be drainage or landscape etc.

OFFICER COMMENTS

The applicant submitted fluvial modelling outputs of the Belmont Brook. These demonstrated the impact of a partial blockage at the highway culvert. I note that the resident is making reference to modelling associated with removal of the pond. No such modelling was requested. The proposed pre-construction condition meets the test of the NPPF and is acceptable. This information would need to be available during the build phase but would not be any more useful if presented earlier.

Update / clarification to Paragraph 1.3

Currently committee report. Para 1.3 says "...Since March 2023 until March 2024 the hotel has been used to house asylum seekers and has been run by the 'Home Office'. The site is currently closed to the general public but would revert back to a hotel following the end of the temporary use to house the asylum seekers."

To clarify it is in fact the Use Class C1 which will resume (ie there is no hotel operator) the report should read:

Since March 2023 until March 2024 the hotel has been used to house asylum seekers and has been run by the 'Home Office'. The site is currently closed to the general public but would revert back to hotel use following the end of the temporary use to house the asylum seekers.

Update / clarification

Following the site inspection (12/3) the Council's Transportation manager have provided the additional commented as follows:

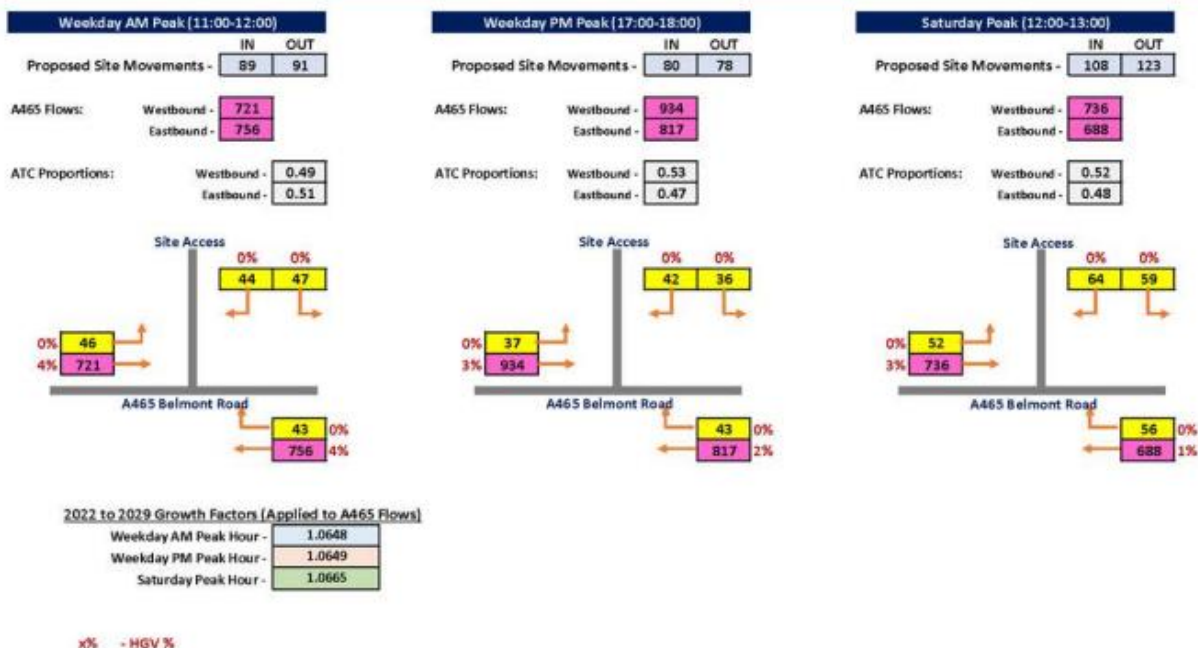
The junction capacity assessments undertaken as part of the Transport Assessment demonstrate that the site access junction operates with a significant amount of spare capacity. A number of scenarios have been modelled, including:

- A future year of 2029 (this has the surveyed background traffic, i.e. existing flows along the A465, growthed (using locally adjusted growth rates) to 2029 levels)
- A sensitivity analysis whereby an additional 50% of the predicted store generated trips has been added to ensure a robust assessment.

All scenarios show spare capacity with the worst scenario (2029 with +50% extra trips) being during the weekday PM peak hour (17:00-18:00) where the access arm for vehicles turning from the site onto the A465 operates at 58% of its capacity. It is generally recognised that 85% capacity is where a junction starts to experience capacity problems. No capacity issues are shown to occur on the A465 itself and there is a generous right turn lane provided to accommodate approximately 8-9 vehicles turning right into the site which will prevent vehicles turning into the site from blocking traffic on the A465.

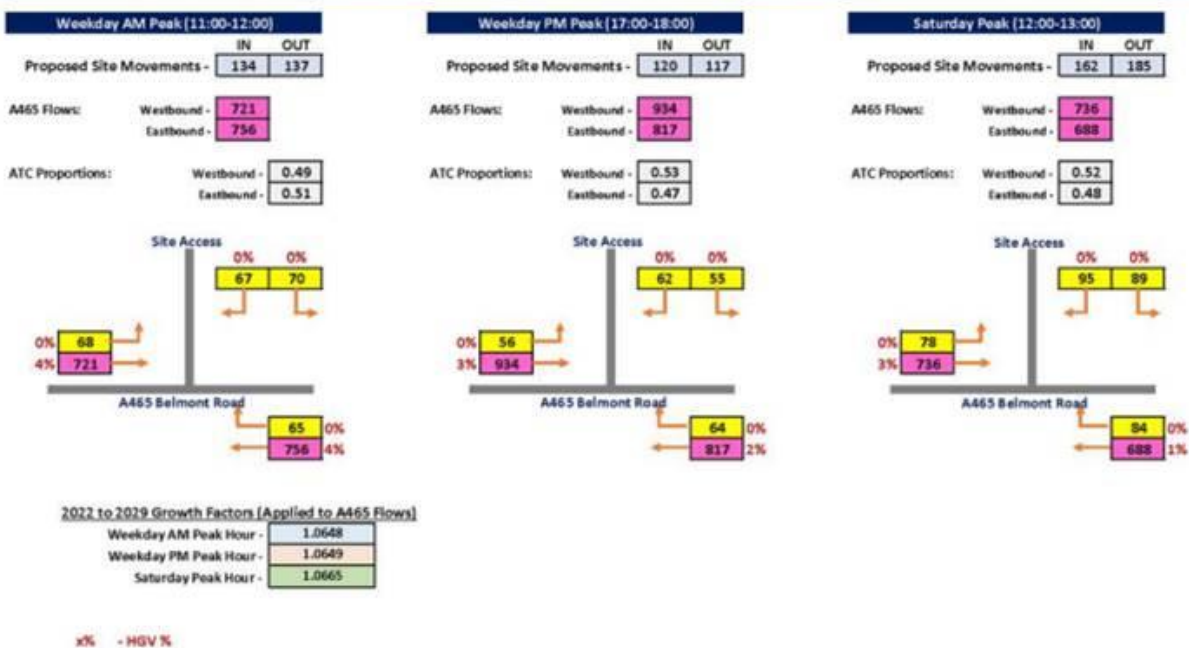
The below extracts from the Transport Assessment submitted with the application demonstrate the number of vehicle trips that will be generated by the proposed store at peak times and the number of vehicles travelling along the A465. It is important to note that the below figures assume all trips to the store will be new to the network and not already passing the store either directly or on the network local to the store. The second set of tables shows a worst case scenario whereby the number of trips generated by the store have been increased by 50% over and above those predicted, this exercise was undertaken as a sensitivity analysis to ensure a robust assessment. The first set of tables below are the likely number of trips to be generated by the store.

2029 Forecast Year Flows



XX - All Vehicles (Site Movements)
 XX - All Vehicles (A465 Straight-On Movements)

2029 Forecast Year Flows (+50% added onto Site generated flows)



With regards to car parking the store provides over the level required according to our car parking standards (100 spaces are required with 118 spaces being provided). In addition the spaces provided are wider than 'standard' spaces. Standard spaces are 2.4m x 4.8m whereas the proposed are 2.7m x 5.2m. The proposed aisle width is also more generous at

7.5m (6m is standard). This means that car parking spaces are easier to manoeuvre in and out of therefore reducing delays within the car park and the additional aisle width would allow vehicles coming into the car park to manoeuvre around vehicles trying to park which prevents blockages occurring and queuing back onto the A465.

NO CHANGE TO RECOMMENDATION

PLANNING and REGULATORY COMMITTEE

13 March 2024

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Yardley per Mr Matt Tompkins	Proposed erection of a dwelling of outstanding design and accompanying works, including a new access, extensive landscaping, biodiversity improvements, and drainage arrangements at GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ	213413	57
PARISH COUNCIL		MR STOCK (on behalf of Colwall Parish Council)		
OBJECTOR		MR BARNES (on behalf of local residents)		
SUPPORTER		MR YARDLEY (Applicant)		
7	Lidl Great Britain Ltd per Mr Peter Waldren	Demolition of existing hotel and associated structures and erection of class e foodstore with associated access, parking, servicing, drainage and landscaping at THREE COUNTIES HOTEL, BELMONT, HEREFORD, HR2 7BP	231703	89
OBJECTOR		MR MACHIN (Local resident)		
SUPPORTER		MR WALDREN (Applicant's agent)		
8	Mr & Mrs Williams per Mr Matt Tompkins	The erection of two dwellings and associated works at 182 LEDBURY ROAD, HEREFORD, HR1 1RH	233225	189
APPLICATION WITHDRAWN				
9	Mr Fisk per Mr V Fisk	Proposed replacement of existing rear conservatory and terrace with a larger single storey extension and terrace at THE PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ	240148	203

No registered speakers

