

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 13 December 2023**

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Time: **10.00 am**

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Place: **Herefordshire Council Offices, Plough Lane, Hereford,  
HR4 0LE**

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

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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

# Agenda for the Meeting of the Planning and Regulatory Committee

## Membership

**Chairman**

Councillor Terry James

**Vice-Chairman**

Councillor Clare Davies

Councillor Polly Andrews

Councillor Bruce Baker

Councillor Dave Boulter

Councillor Simeon Cole

Councillor Dave Davies

Councillor Elizabeth Foxton

Councillor Catherine Gennard

Councillor Peter Hamblin

Councillor Daniel Powell

Councillor Stef Simmons

Councillor John Stone

Councillor Richard Thomas

Councillor Diana Toynbee

## Agenda

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<b>NOLAN PRINCIPLES</b>	13 - 14
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b> To approve the minutes of the meeting held on 25 October 2023.	15 - 22
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b> To receive any announcements from the Chairperson.	
<b>6. 232895 - 50 BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EQ</b>  Proposed change of use from a 6 bedroom HMO dwellinghouse into an 8 bedroom HMO dwelling house (Sui generis) and to erect a single storey extension onto the back of the house.	23 - 32
<b>7. 222687 - PARK HALL, WORMELOW, HEREFORDSHIRE</b>  Proposed demolition of Former Park Hall Ballroom and Erection of 5 Dwellings and 15 Timber Holiday Lodges, reception area and associated works.	33 - 92
<b>8. 233071 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG</b>  Proposed non-material amendment to 232181 (Proposed single storey garage including garden room/home office) - to allow reduced roof pitch and change of roof finish and stone gable wall to West elevation(and return on South elevation).	93 - 96

### EXCLUSION OF PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

**RECOMMENDATION:**            **that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the**

**exemption outweighs the public interest in disclosing the information.**

**3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**9. 232089 - SHEEPCOTE, ST OWENS CROSS, HEREFORD, HEREFORDSHIRE, HR2 8JU**

97 - 142

Proposed erection of live-work unit for occupation by applicant and his family in conjunction with adjoining workshop.

**EXCLUSION OF PUBLIC AND PRESS**

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

**RECOMMENDATION:** **that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

**5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

**10. REPORT CONCERNING THE GROUNDS FOR REFUSAL OF PLANNING APPLICATION 223248 (TO FOLLOW)**

To consider a report (to follow) regarding the grounds for refusal of planning application 223248:

223248 - BUILDING AND CURTILAGE OF GREENACRES BUNGALOW AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE

Proposed demolition of existing buildings on site and erection of Retirement Living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works.

**11. DATE OF NEXT MEETING**

Date of next site inspection – 16 January 2024

Date of next meeting – 17 January 2024

# The Public's Rights to Information and Attendance at Meetings

## YOU HAVE A RIGHT TO: -

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

## Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

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

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

## Travelling to the meeting

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



### Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Daniel Powell	Liberal Democrat
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Diana Toynbee	The Green Party

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

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

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

## **Who attends planning and regulatory committee meetings?**

The following attend the committee:

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

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

## **How an application is considered by the Committee**

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

## **Public Speaking**

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

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



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

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

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

### **Role of the local ward member**

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

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

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



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

**1. Selflessness**

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

**2. Integrity**

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

**3. Objectivity**

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

**4. Accountability**

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

**5. Openness**

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

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

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



**Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 25 October 2023 at 10.00 am**

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

**Councillors:** Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Catherine Gennard, Peter Hamblin, David Hitchiner, Dan Powell, Stef Simmons, Louis Stark, John Stone, Richard Thomas and Diana Toynbee

**In attendance:** Councillors Ellie Chowns, Toni Fagan and Liz Harvey

**Officers:** Development Manager Majors Team, Legal Representative and Highways Representative

**39. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Andrews and Foxtan.

**40. NAMED SUBSTITUTES (IF ANY)**

Councillor Stark acted as a substitute for Councillor Andrews.

Councillor Hitchiner acted as a substitute for Councillor Foxtan.

**41. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**42. MINUTES**

The Committee noted a correction to the minutes of the previous meeting. Under paragraph 34, Treduchan Farm, application 221395; the minutes should record that the application was approved with a simple majority of votes in favour not unanimously.

**RESOLVED:** That, subject to the correction outlined above, the minutes of the meeting held on 27 September 2023 be approved.

**43. 190111 - LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE (Pages 7 - 8)**

*Councillor Clare Davies left the committee to act as the local Ward member for the application below.*

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Lloyd spoke on behalf of Bromyard and

Winslow Town Council, Ms Churchill spoke on behalf of Avenbury Parish Council, Mr Whitehorn, local resident, spoke in objection to the application and Mr White, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward members (Bromyard West and Bishops Frome and Cradley) spoke on the application.

The local ward member for Bromyard West explained that there were significant highway safety concerns with the proposed development. The local community recognised the need for new houses but that should not be at the expense of the safety of local residents. Under the national planning policy framework (NPPF) and the local plan cycling facilities were an essential element of new developments but the application did not provide adequate plans for the safety of cyclists accessing the proposed site. The footway to the site was unsafe with a narrow width along a fast narrow road. Earlier applications for the proposed development had featured a pedestrian walkway to the site along the road and had been dismissed as unsafe; the current application had moved the footpath to the other side of the road with no discernible improvements to the safety of pedestrians. There were also ecological issues with the proposal including the removal of hedgerow. The plans had not been presented to the town council in a public forum which would have offered the opportunity to the applicant to improve the application using local knowledge. The committee was urged to refuse the application based on the neighbourhood development plan (NDP) policy BY1 and core strategy policy MT1 due to highway safety.

The local ward member for Bishops Frome and Cradley explained that there was a need for more houses but this must be under the right circumstances. Access to the site was a principal concern and the safety of local residents accessing the site on bicycle or by foot. The width of the A44 was not felt to be sufficient for two HGVs to pass therefore posed a significant risk to cyclists and pedestrians accessing the site. The road would be widened around the proposed Junction but the layout did not take account of cycling. Access to the primary school and the safety of children was of concern and it was suggested that a change to the location of the pedestrian access would shorten the walk along the A44 from the site. Cycling facilities in the form of cycle parking, would be provided on site but there was a fundamental flaw as there was no provision to improve the safety of cyclists to the site along the A44. Highway safety was also a concern for pedestrian using the pavement along Panniers Lane which was not of a sufficient width.

The committee debated the application. During consideration of the application the following principal points were raised:

- there were significant highway safety concerns regarding cyclist and pedestrian access to the site.
- there was no adequate provision for safe cycling in the application.
- the application did not adequately promote active travel to the site due to the highway safety concerns posed to pedestrians and cyclists accessing the proposed development.
- the width of the road posed a safety risk and the lack of adequate pedestrian and cycling infrastructure had an unacceptable impact on highway safety.
- there was an unacceptable safety risk to people with disabilities and families with young children using the pedestrian access to the site.

The local ward members were given the opportunity to close the debate.

A motion that the application be refused due to highway safety concerns relating to access to the site of cyclists and pedestrians, contrary to core strategy policy MT1 and NPPF paragraphs 106, 110, 111 and 112 was proposed by Councillor Peter Hamblin and seconded by Councillor Richard Thomas. The motion was put to the vote and was carried unanimously.

**RESOLVED – that**

**The application be refused due to highway safety concerns relating to access to the site of cyclists and pedestrians, contrary to core strategy policy MT1 and NPPF paragraphs 106, 110, 111 and 112.**

*There was an adjournment at 11:10 a.m.; the meeting reconvened at 11:27 a.m.*

*Councillor Clare Davies resumed her seat on the committee.*

**44. 223248 - BUILDING AND CURTILAGE OF GREENACRES BUNGALOW AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE**

The principal planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Howells spoke on behalf of Ledbury Town Council, Dr Lloyd, local resident, spoke in objection to the application and Ms Clare, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. The proposed application site was unusual and special in planning terms and was of historic importance. It was a designated green space in the Ledbury NDP. The developer had been made aware of the designation at an early stage in the drafting of the NDP. The site was not accessible by members of the public and was a refuge for wildlife and biodiversity. The application site in its current form was important to the town of Ledbury which had relatively few green spaces. Surface water drainage from the site would enter the river Leadon. The river had already suffered from flooding and the town of Ledbury experienced problems with flash water flooding; the proposed development would add further to impermeable surface locally. Objections concerned with the application included the scale of the development; the ridge heights were felt to be too high. The density of housing on the site was excessive and there were highway safety concerns regarding the site access. There was also concern that there was no provision in the application for affordable housing and there would be no section 106 monies from the site; neither had been assessed as financially viable in the viability assessment for the applicant.

The committee debated the application. During the course of the application the principal points below were raised:

- the historic importance of the application site and the existing house on the site; the retention of this historic element of Ledbury outweighed the benefits that were proposed in the application. This was consistent with policy CL2.1 (j) of the Ledbury NDP.
- the importance of the application site as a green space in Ledbury providing for wildlife and biodiversity conservation locally. The retention of the green space to provide a wildlife corridor or stepping-stone within the built-up area of Ledbury outweighed the benefits proposed in the application. This was consistent with policy CL2.1 (h) of the Ledbury NDP.
- the site access was narrow and onto a busy main road. There were highway safety concerns for those people accessing the proposed application site, particularly people with restricted mobility.
- the impact of the development on the landscape of Ledbury was unacceptable, the development would alter the character of the town with the removal of an important

green space.

- the importance of conserving and enhancing buildings of historic importance in the town.

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

A motion that the application be refused due to: the protection of open and green spaces; highway safety concerns regarding the site access; the impact on the landscape and conservation and enhancement of buildings of historic importance; contrary to Ledbury NDP policies CL2.1 (g and h) and BE2.1 and core strategy policies MT1 and LD1 was proposed by councillor David Hitchiner and seconded by councillor Richard Thomas. The motion was put to the vote and carried by a simple majority.

**RESOLVED – That:**

**The application be refused due to: the protection of open and green spaces; highway safety concerns regarding the site access; the impact on the landscape and conservation and enhancement of buildings of historic importance; contrary to Ledbury NDP policies CL2.1 (g and h) and BE2.1 and core strategy policies MT1 and LD1.**

*There was an adjournment at 12:54 a.m; the meeting reconvened at 1:08 p.m.*

**45. 232106 - STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB**

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Barrington spoke on behalf of Little Birch Parish Council, a statement was read on behalf of Mr Jones, local resident, in objection to the application and Mr Wilson, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. She explained that currently the site was used for stabling of horses and the application would offer a future for the activity. It would also allow accommodation for a local family who had lived in the parish for a number of years and had strong connections with the local community. The proposed development had no impact on the landscape or the local heritage asset the church. The Little Birch and Aconbury NDP was nuanced and did not provide a definitive settlement boundary. The proposed application site would front onto Ruff Lane and would be accessed by Bowlers Lane. An interpretation of NDP policy LBA3 could include the application site within the settlement boundary rather than in open countryside and permit development.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- the application was consistent with NDP policy LBA 4.7, which proposed a flexible approach to differentiating between settlement and countryside.
- the application was consistent with the terms of NDP policy LBA 3 as the site was located off Ruff Lane.
- the application was consistent with the terms of NDP policy LBA 3 and 4 to provide for windfall development on land adjacent to the settlement matrix.
- there was no detrimental impact on the landscape or local heritage assets.
- the proposed development was not located in open countryside; due to the lack of a settlement boundary and therefore core strategy policy RA3 did not apply.



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

A motion that the application be approved due to: consistency with the Little Birch and Aconbury NDP (policies 3 and 4); no adverse impact on the local heritage asset; and the development was not considered to be located in open countryside due to the lack of a settlement boundary, was proposed by Councillor Dave Davis and seconded by Councillor Richard Thomas. The motion was put to the vote and carried by a simple majority.

**RESOLVED - that**

- a) the application be approved due to: consistency with the Little Birch and Aconbury NDP (policies 3 and 4); no adverse impact on the local heritage asset; and the development is not considered to be located in open countryside due to the lack of a defined settlement boundary.**
- b) authority is delegated to officers to draft and impose conditions for the planning permission, in consultation with the chairperson and vice chairperson of the Planning and Regulatory committee.**

The meeting ended at 2.03 pm

**Chairperson**



## **PLANNING COMMITTEE**

**Date: 25 OCTOBER 2023**

### **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**190111 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 120 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM THE A44. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. AT LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE,**

**For: Gladman Developments Ltd per Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB**

### ADDITIONAL REPRESENTATIONS

1 additional representation has been received objecting to the application. The comments can be summarised as follows; -

- Grassed strip of land relied up for footway widening purposes on A44 adjacent to the rear of properties on Broxash Close is under control of respective property owner by virtue of adverse possession.
- With the above in mind, the require notice has not been served on the owner of this land (including any other owner 1 – 11 Broxash Close).

A Members Briefing document was sent to Officers via email on 23 October 2023. This is attached at **Appendix 1**. It does not introduce any new matters which have not already been considered and therefore officers do not offer a direct response to this.

### OFFICER COMMENTS

Having consulted with the relevant specialists, officers can advise that the Local Highway Authority have visit the site to measure on the ground and it is confirmed as being highway land (also evidenced by the fact a highway sign has been erected adjacent to the steps constructed by residents of Broxash Close. Adverse possession cannot be claimed for highway land so the steps are considered an illegal structure in the highway.

### CHANGE TO RECOMMENDATION

Omission of 'either' from the recommendation. The recommendation is therefore update to the following;

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions or amendments to conditions considered necessary:**

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 DECEMBER 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>232895/F - PROPOSED CHANGE OF USE FROM A 6 BEDROOM HMO DWELLINGHOUSE INTO AN 8 BEDROOM HMO DWELLING HOUSE (SUI GENERIS) AND TO ERECT A SINGLE STOREY EXTENSION ONTO THE BACK OF THE HOUSE - 50 BARRS COURT ROAD, HEREFORD, HR1 1EQ</b></p> <p><b>For: Mr Mark Clemmings, 50 Barrs Court Road, Hereford, Herefordshire, HR1 1EQ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232895&amp;search-term=232895">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232895&amp;search-term=232895</a>
<b>Reason Application submitted to Committee – Redirection request</b>	

**Date Received: 28 September 2023    Ward: College    Grid Ref: 351694, 240501**  
**Expiry Date: 23 November 2023**  
**Local Member: Cllr Ben Proctor**

## **1. Site Description and Proposal**

- 1.1 The property subject to this application is located in a residential suburb of Hereford, albeit lying close to the main commercial area and the train station. The existing 6-bed HMO is a two-storey, semi-detached house, with additional living accommodation in the basement and attic.
- 1.2 The houses along Barrs Court Road are characterised by ‘shallow’ garden areas to the front and rear gardens of greater depth. The street is densely developed with period housing in this particular location. As with the terraced housing along Hopton Road, most of the houses lie in close proximity to the road and so there is limited off-street parking provision.
- 1.3 This application proposes to change the use of the property to an eight-bed HMO (sui-generis) and to extend to the rear by way of a single-storey, flat roof addition in a matching brick. This application follows the refusal of application 220720/F, for a similar development proposal; a decision which was upheld on appeal (albeit on limited points). The key difference is that the Applicant is now willing to limit maximum occupancy to 8 people.
- 1.4 The application site lies outside of the Aylestone Hill Conservation Area.
- 1.5 For the purposes of the ensuing report, it is clarified that the existing house is regarded as a “small” HMO (Class C4), which are defined as properties housing between three and six unrelated people who share amenities. Planning permission is sought for a “large” HMO (sui generis), which involves seven or more people sharing.

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

## **2. Policies**

### **2.1 Herefordshire Local Plan - Core Strategy**

SS1 - Presumption in favour of sustainable development  
SS4 - Movement and transportation  
SS6 - Environmental quality and local distinctiveness  
SS7 - Addressing Climate Change  
HD1 - Hereford  
H3 - Ensuring an appropriate range and mix of housing  
MT1 - Traffic management, highway safety and active travel  
SD1 - Sustainable design and energy efficiency  
LD1 - Landscape and townscape  
SD1 - Sustainable design and energy efficiency  
SD3 - Sustainable water management and water resources  
SD4 - Wastewater treatment and river water quality

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/local-plan-1/local-plan-core-strategy>

### **2.2 National Planning Policy Framework**

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 5 - Delivering a sufficient supply of homes  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places

2.3 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework require a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15 October 2015 and the decision to review it was made on 9 November 2020. The review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding applications. In this case, the most relevant Core Strategy policies – which are those relating to meeting housing needs, highway safety and safeguarding residential amenity (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

## **3. Planning History**

3.1 220720/F – Proposed change of use from dwellinghouse (C3) into an 8 bedroom house of multiple occupancy (sui generis) and erection of single storey rear extension (part-retrospective) – Refused 20/05/22 (and dismissed on appeal 12/05/23)

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Network Rail (No objection)

Network Rail has no objection in principle to the proposal but due to the site being next to Network Rail land and our infrastructure, and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start. Initially, the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)

### Internal Council Consultations

#### 4.2 Environmental Health Officer – Housing (No objection)

Although not a material planning consideration, I would recommend the following to reduce risk to occupants of the proposed development (in compliance with Part 1 of the Housing Act 2004):

It is recommended that the proposed development provides for a fire escape window(s) from the new ground floor rear bedroom, as the internal escape route in the event of fire is through risk rooms, i.e. the utility room/kitchen. Alternatively, the layout could be adapted to avoid the need to go through a risk room to escape from the rear bedroom in the event of fire. A route out of the rear garden is preferable. Fire doors with self-closure will be required for both bedrooms as these will allow the occupants time to escape. A fire alarm is also needed in both rooms.

Please note that fire escape windows should meet Approved Document B (Vol 1) of the Building Regulations. The window must have an unobstructed openable area minimum 0.33m<sup>2</sup> and be at least 450mm high and 450mm wide. The bottom of the openable area should be no more than 1100mm above the floor level.

#### 4.3 Area Engineer Team Leader (No objection)

The proposals seek to extend an existing 6-bed House of Multiple Occupancy (HMO) to an 8-bed HMO through the provision of a rear extension. The proposals are located in a highly sustainable location adjacent to Hereford Train Station and therefore the local highway authority has no objection to the development.

## 5. Representations

#### 5.1 Hereford City Council

Objects – Councillors feel this is overdevelopment, providing cramped accommodation.

#### 5.2 Numerous local objections have been expressed, as summarised below:-

- The potential increase in cars is unacceptable in terms of the on-street parking available.
- Adaptation of the large townhouses in this area, that are architecturally indicative of the historic nature of the city, will serve to degrade the character and amenity of the area.
- The density of population and overcrowding cannot be justified in this location.
- Approval of this application would set a dangerous precedent for others to follow.

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- The proposed change of use will lead to extra vehicles parked in Hopton Road, which already hosts parking from nearby residential streets.
- The building recently permitted and built at Station Approach is underutilised.
- There is already an oversupply of this type of accommodation, with several HMOs found along Barrs Court Road and Aylestone Hill.
- Existing residents pay for on-street parking and it is already difficult to find a space.
- The property should be appropriately banded for Council tax purposes.
- The VOA has been separately banding HMOs with en-suite rooms, meaning that this could enable future residents to apply for more parking permits.
- There is no guarantee that any maximum occupancy limit would be observed.
- There are fire safety risks associated with the proposed accommodation.
- There would be increased levels of noise and disturbance to neighbours at all times.
- The proposed changes would be detrimental to the traditional community still present.
- Private garden spaces should be regarded as an asset for family homes.
- The proposal would result in an increase in occupancy of 33.3%.
- The proposed extension would erode the garden area and harm a sanctuary for wildlife.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=232895&search-term=232895](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232895&search-term=232895)

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

*Policy context and the principle of development*

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy. The NPPF is also a significant material consideration. The site falls within the area defined for the Hereford Area Plan (HAP), which was intended to set out detailed proposals to ensure the delivery of the targets for the City under the Core Strategy. However, following the decision to update the Core Strategy, work on the HAP has ceased.

6.3 Both the Core Strategy and the NPPF promote sustainable development, which means accommodating growth to house a rising population whilst ensuring that meeting the needs of the present do not compromise the ability of future generations to meet their own needs. The three overarching objectives to this fulfil social, economic and environmental dimensions, which are interdependent and need to be pursued in mutually supportive ways.

6.4 The site is located in an established residential area, with primarily terraced or semi-detached dwellings and some larger, detached properties along Aylestone Hill. Whilst there is no Core Strategy policy relating to proposals for a change of use to a HMO, Policy H3 states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Within the pre-ambles to the policy, there is acknowledgement of the housing affordability issues in the county.

6.5 The site is considered to be sustainably located, with residents having a genuine choice about how they travel, with the train and bus stations nearby, and with excellent access to services,



employment opportunities and leisure facilities. The increased occupancy of the existing HMO would therefore give rise to a more effective use of the existing housing stock in a sustainable location and fulfil an environmental role. This must however be balanced against other effects.

- 6.6 Indeed, whilst the subdivision of dwellings in urban areas can increase the supply of lower-cost housing this should not be at the expense of ensuring an adequate level of residential amenity. Policy SD1 and paragraph 130 of the NPPF require proposals to safeguard and provide a good standard of residential amenity for existing and proposed residents. The following section will therefore consider whether the proposal would lead to increased noise levels, disturbance and demand for car parking. The adverse effects of an overly-intensive use can cause harm both individually and through the cumulative impact of several HMOs in an area.

#### *The character of the area and residential amenity*

- 6.7 It is firstly relevant to note that no Officer concerns arise in respect of the proposed rear, single-storey extension. Whilst of ordinary design quality, the proposed flat roof addition would appear subservient and would not adversely affect the amenity enjoyed by neighbouring occupiers. Control over external facing materials could be exerted through a condition. Your Officers advise that when considering the previously refused application the Planning Inspector concluded that there was *“no reason to doubt that the conversion work and extension would be carried out to a high standard”*.
- 6.8 Your Officers had previously considered, as part of the previous application, whether the change of use would lead to pressure on the area through other HMOs situated in the vicinity of the application site. It was concluded that there is a very healthy supply of lower-cost HMO accommodation in the locality. However, in relation to the character of the area, the harm arising from any further proliferation of HMO properties is not demonstrated from the level of activity in this case. Whilst noting the characterful design of the period housing along Barrs Court Road, the change of use would not erode this or establish a harmful precedent, with each case needing to be determined on its own particular merits.
- 6.9 Turning to the issues which specifically led to the appeal being dismissed for the previous application (ref. 220720/F), the Inspector opined that making effective use of the building should not be at the expense of maintaining satisfactory living conditions for neighbouring occupants and achieving suitable living conditions for all future occupants.
- 6.10 The issue for future occupiers' amenity concerned attic bedroom 2 and cramped headroom / floorspace. However, on the basis of limiting occupancy of the proposed “large” HMO to 8 people via condition, the use of this room can be restricted to single-occupancy and thereby accord with the Council's General Amenity and Facilities Standards for HMOs.
- 6.11 In relation to the impact on neighbours' amenity, the Inspector concluded that the intensity of use of the rear garden would unacceptably harm their living conditions with respect to noise and disturbance. This was on the basis of use of the garden by ten or twelve occupants and any visitors would be unacceptably harmful. However, the Inspector also concluded that a limit to eight occupants would not give rise to a materially greater intensity of use than the ‘fallback’ scheme of a “small” HMO containing up to 6 people. It is likely that had the applicant agreed to a condition limiting occupancy, the appeal would have been allowed in this regard.
- 6.12 Based on the foregoing, subject to a condition on maximum occupancy, there are no unresolved issues that could reasonably be cited as grounds for refusal. To ensure that other issues raised within representations are addressed, the following points are clarified.

#### *Other matters*

- 6.13 The numerous objections received reinforce that on-street parking is subject to high demand. Nonetheless, the local highway authority has not objected to a car free development and the Council's guidance on resident parking permits confirms that for Zone 4, in which the site is located, there is a permit allowance of two per property (which includes HMOs). Government guidance indicates that HMOs are, for the purposes of Council Tax, considered as one property, and have one Council Tax band, other than in exceptional circumstances. This means that there would be no likely increase in parking stress in the local area.
- 6.14 Policy MT1 states that proposals should not adversely affect the safe and efficient flow of traffic on the network and should encourage active travel behaviour. Regarding highway safety, no concerns have been raised by the local highway authority subject to secure cycle storage being provided. There is a side access path for all occupiers to gain access to a communal cycle shed to be situated in the rear garden, which can be conditioned. Occupiers should be able to secure their individual bicycles within the shed, for example, via internal Sheffield stands, and provision will need to be made at a rate of one space per bedroom. Further guidance is found at pages 33 and 34 of the Council's Highways Design Guide.
- 6.15 In terms of sewer capacity, Welsh Water raised no objections under the previous application. This matter does not give rise to a reason to withhold permission. As regards surface water drainage, a condition could be imposed requiring no additional discharge into the public sewer. There is sufficient space in the remaining rear garden to accommodate a new soakaway.
- 6.16 Whilst noting the proposed increase in occupancy of two people, the proposed change of use does not give rise to significant effects for the purposes of the Habitat Regulations. The impact on the amount of foul water discharged to the main sewer would be modest, and it is treated at the Hereford (Eign) WwTW, which benefits from a phosphate permit. On this basis, the effects arising from this application have been 'screened out' by the Council's Ecologist.
- 6.17 The comments made by the Council's EHO (Housing) Team can be fulfilled through compliance with the Building Regulations, with the new rear bedroom benefitting from an escape window. Regarding making provision for more household waste and recycling, it is understood that the applicant would apply to Herefordshire Council for additional wheelie bin capacity. There is sufficient space to the rear to acceptably accommodate bin storage.

### *Conclusion*

- 6.18 In summary, the change of use to a "large" HMO with 8 bedrooms and limited to a maximum occupancy of 8 people would not give rise to any substantive amenity concerns for existing local residents or future occupiers of the property. The appeal decision pursuant to the previously refused application was a significant material consideration in arriving at this conclusion.
- 6.19 The proposal, in making more efficient use of a building in an edge of centre location, amounts to sustainable development that accords with the development plan when read as a whole.

## **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. **C01 - Time limit (3 years)**
2. **C06 - Approved plans (drawings listed below)**
  - **Location plan 1:1250**
  - **Site plan 1:200**

- Proposed rear elevation 1:100
- Proposed side elevation 1:100
- Proposed elevation from opposite side 1:100
- Proposed ground floor 1:100
- Proposed first and second floor plans

3. The external walls of the extension shall be constructed with facing bricks of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. Prior to the occupation of the development hereby permitted, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the house shall be submitted to the local planning authority for its written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to occupation as a “large” HMO. Thereafter, these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. The maximum occupancy of the House in Multiple Occupation hereby permitted shall be limited to no more than 8 people at any one time.

Reason: In the interests of maintaining the amenity of neighbouring residents and securing a suitable standard of accommodation for future occupiers, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

6. No surface water from the extension hereby permitted and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

7. **CBK – Restriction on hours during construction**

**INFORMATIVES:**

1. **IP1 – Application approved without amendment**
2. The proposed development site is crossed by public sewers. No operational development is to take place within 3 metres either side of the centreline of the sewers. Prior to commencing any operational development the location of these assets should be determined. If operational development is likely to take place within 3 metres either side of these sewers please stop works and contact Welsh Water. The applicant may be able to progress with a build over sewer agreement or divert these assets under s185 of the Water Industry Act 1991. Under the Water Industry Act 1991 Welsh Water has rights of access to its assets at all times.

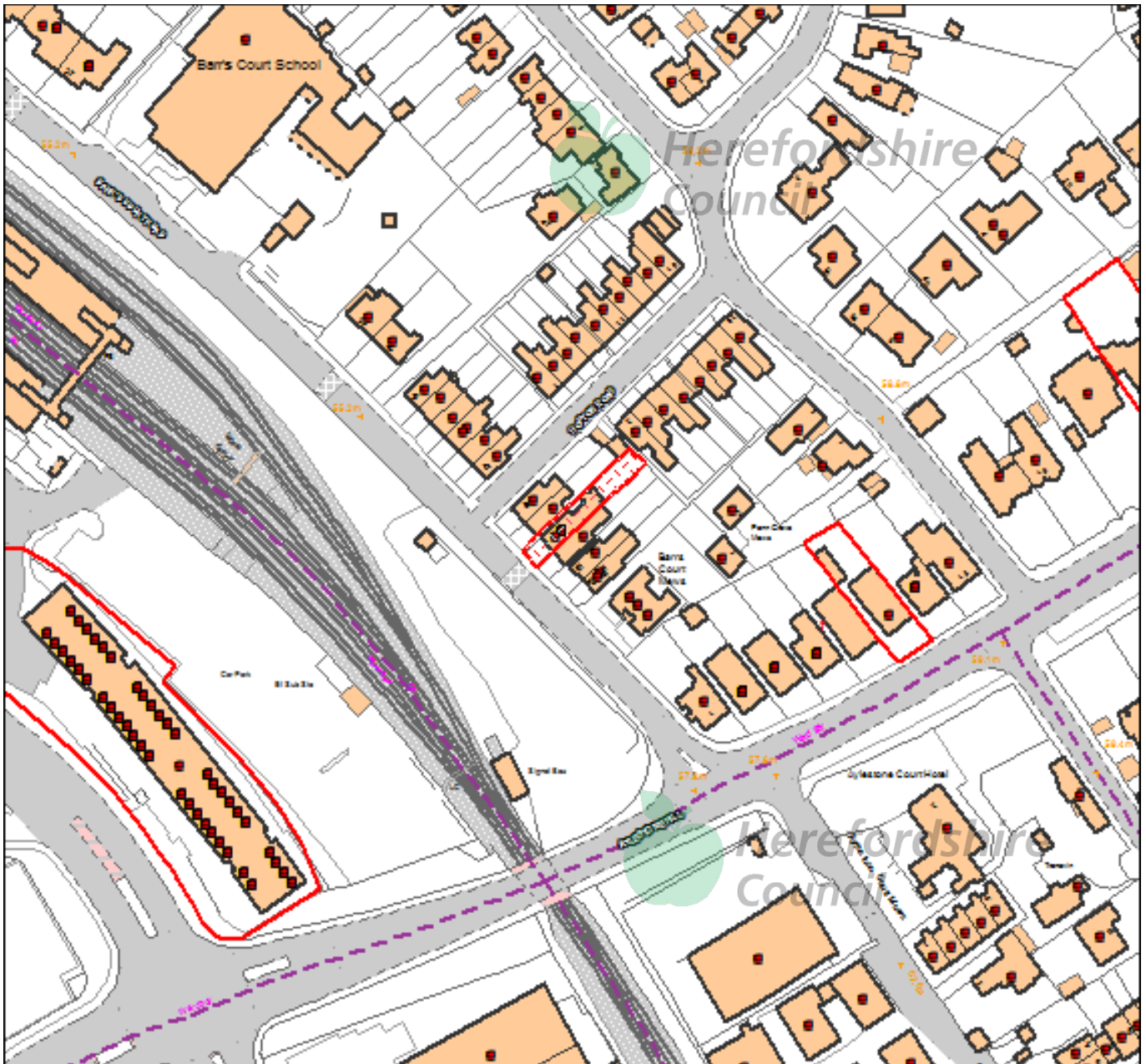
Decision: .....

Notes: .....

.....

**Background Papers**

None identified.



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**APPLICATION NO:** 232895

**SITE ADDRESS :** 50 BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EQ

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 DECEMBER 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>222687 - PROPOSED DEMOLITION OF FORMER PARK HALL BALLROOM AND ERECTION OF 5 DWELLINGS AND 15 TIMBER HOLIDAY LODGES, RECEPTION AREA AND ASSOCIATED WORKS AT PARK HALL, WORMELOW, HEREFORDSHIRE,</b></p> <p><b>For: Mrs Rogan per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222687&amp;search-term=222687">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222687&amp;search-term=222687</a>
<b>Reason Application submitted to Committee - Cllr Thomas/Cllr Fagan Re-direction</b>	

Date Received: 9 August 2022

Ward: Wormside

Grid Ref: 349093,230271

Councillor Thomas

Cllr Fagan (Adjoining

Ward Member – Birch)

Expiry Date: 15<sup>th</sup> December 2023

## 1. Site Description and Proposal

- 1.1 The application site is within Much Dewchurch Parish and situated in the village of Wormelow on the site of the former 'Park Hall Ballroom'. This dance hall and entertainment venue was destroyed by fire in 2004 and the site has been derelict and vacant for about 19 years. The site comprises of a large hard surfaced area with a burnt out structure. The site is located in proximity to existing services with the local pub directly opposite the site and a village shop/post office within 30m to the south east. There is a bus stop opposite the site entrance which runs a regular service between Monmouth and Hereford.
- 1.2 The existing access into the site also serves the existing dwellings as well as a furniture store known as Simply Stunning (now closed) and units to the rear of the site, a farmstead and the redundant Park Hall Ballroom. A cricket field is located opposite the site entrance. There are substantial trees on the site which are covered by an area Tree Preservation Order (TPO) made in 1955 and there is significant amount of undergrowth present which has developed over time around the redundant derelict building. Permission was granted for residential development on part of the site in 2011 but this has not been implemented (planning reference DMS/112232/O) and it is evident that since the building has further dilapidated and due to being unsafe is cordoned off by railings.
- 1.3 The site has a public footpath MD13 which runs through the site and is part of the Herefordshire Trail long distance route. Public footpath MD14 runs from the site to the south.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 1.4 Adjacent to the site is Bryngwyn Manor (now flats) which is a Grade II-listed Gothic Manor House built in 1868 and it is presumed that the majority of the large specimen trees that are protected by the TPO date from that time. The application site falls within the Bryngwyn un-registered park and garden albeit the site itself has changed significantly post approx. 1950 due to additional buildings and a warehouse have been erected on the site, together with the old ballroom and its associated hard standing. The site is not within the AONB (protected landscape) nor is it within a conservation areas and there are listed buildings (heritage assets) within the application site.

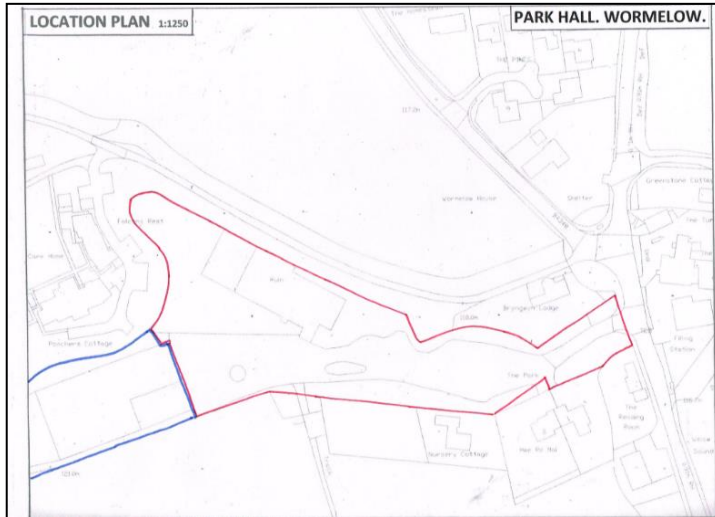
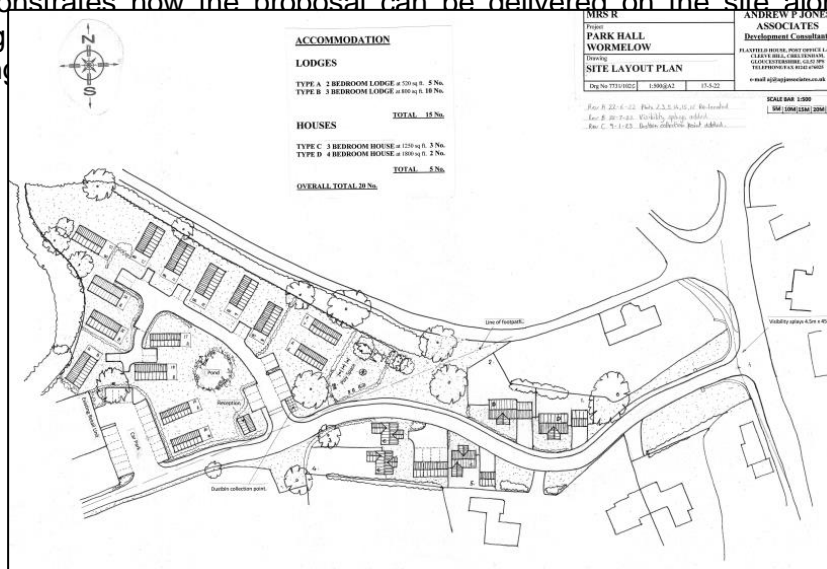


Figure 1: Site Location Plan

Figure 2: Aerial Plan

- 1.5 The application is made in full for the demolition of the park hall ballroom and the erection of 5 detached dwellings and 15 timber holiday lodges (2 and 3 bedrooms) to be used as holiday accommodation, a reception area and associated works while utilising the existing access into the site.
- 1.6 An estate road is proposed to serve both the existing 'Simply Stunning' building and other existing users as well as the lodges. A defined parking area is also proposed for the retail unit containing 20 space as well as a small children's play area. The site plan (see fig 3) has been produced which demonstrates how the proposal can be delivered on the site along with car parking, landscaping of supporting





### Figure 3: Proposed Site Layout Plan

- 1.7 Amended plans have been submitted during the application which have resulted in changes to the size of the residential units and as well as drainage details.
- 1.8 In regards to the house designs for the 5 units there are 2 house types:
- Type C: 3 x 3 bed (1250 sq ft)
  - Type D: 2 x 4 bed (1800 sq ft)
- In regards to the holiday lodges:
- 5 No x 2 bed lodges (520 sq ft)
  - 10 No x 3 bed lodges (800 sq ft)
- 1.9 The application includes a proposal for landscaping on the site and members are directed to the proposed landscape plans for full details. The holiday units will be timber lodges built of sustainable timber and incorporating many sustainable features such as rainwater harvesting, low level lighting, solar powered hot water and high levels of thermal insulation. The proposal also seeks to provide 5 detached dwellings with garaging on the eastern side of the site adjacent to existing residential development with the holiday lodges on the western side in the location of the former building and area of hardstanding. The lodges will be single storey and constructed from sustainable timber, parking and access areas will be of gravel for permeability and to minimise the impact on the existing trees. A small reception area and children's play area is proposed with visitor parking, including electric charging points. The residential units have been designed to reflect the character of the lodges keeping a simple form with sustainable timber cladding and the use of tin on the roof.
- 1.10 Currently the adjacent retail building in the former bowling building, occupied by Simply Stunning, which is owned by the applicants, has an undefined parking area on existing hard standing. A new parking area is proposed with 20 spaces and additional landscaping. The delivery vehicles and staff will continue to park to the rear of the building which lies outside the site. A public footpath currently runs through the centre of the site along the existing driveway. The scheme has been designed to accommodate this route and there are no proposed changes required.
- 1.11 Along with the completed application form, signed completed certificates and existing and proposed plans the application is accompanied by the following documents:
- Drainage Strategy and Revised Drawing Design
  - Tree Assessment and Arboricultural Report
  - Ecological Assessment
  - Planning Design and Access Statement
  - Landscape And Visual Impact Appraisal
  - Transport statement and Revised Statement
  - Travel Plan
  - Infiltration Test Locations and Tests
  - Drainage Statements
  - Suds Maintenance Guidance
  - Infiltration Basin Data
- 1.12 For clarity the existing park hall building is to be demolished and the existing buildings outside the red edge but within the blue edge known as Simply Stunning will remain and not included within this application.

## 2. Policies

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

## 2.1 **Herefordshire Local Plan – Core Strategy**

SS1 – Presumption in favour of sustainable development  
SS4 – Movement and transportation  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RA6 – Rural economy  
MT1 –Traffic management, highway safety and promoting active travel  
E4 – Tourism  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD2 – Renewable and low carbon energy  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

## 2.2 **National Planning Policy Framework 2023**

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

## 2.3 **National Planning Practice Guidance**

- 2.4 The Government publishes guidance in respect of various topic areas which can be found using the following link - Planning practice guidance - GOV.UK ([www.gov.uk](http://www.gov.uk))
- 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. **Planning History**

- 3.1 S112232/O: Site for development of five houses. Approved 23<sup>rd</sup> November 2011  
S101838/O: Site for development of five houses. Withdrawn 3<sup>rd</sup> November 2010  
W2000/2520: Change of use of ballroom and function rooms to light industry. Approved 29 December 2000

## 4. **Consultation Summary**

### 4.1 **Statutory Consultations**

#### 4.2 **Welsh Water comments: No objection.** (*Comments dated 8 November 2023*)

We refer to our previous response dated 14/08/2023 which highlighted the proposed drainage layout not being designed to an adoptable standard as per Sewers For Adoption 7th edition.

Having now had sight of the re-submitted drainage design reference No. 0201 P09 and 0202 P09 we are now content that the proposed layout looks to be designed to an adoptable standard.

We also advise that Much Dewchurch WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

Turning to the potable water supply, we anticipate this development will require the installation of a new single water connection to serve the new premises, The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The provisions of Section 45 of the Water industry Act 1991 apply. We therefore rely on the Local Planning Authority to control the delivery of any required reinforcement works by way of planning condition at planning application stage.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Conditions

No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the development is served by a suitable potable water supply.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.

#### Advisory Notes

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

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://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.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

Previous comments can be viewed online at:

<https://myaccount.herefordshire.gov.uk/documents?id=5dd80e91-bdb1-11ed-9068-005056ab11cd>

<https://myaccount.herefordshire.gov.uk/documents?id=2d417bda-5134-11ed-905f-005056ab3a27>

#### 4.3 **Natural England: HRA: Appropriate Assessment: No objection.** (*Comments dated 10 March 2023*)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

##### **SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

##### **Internationally and nationally designated sites**

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

##### **European site - River Wye SAC - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

##### **River Wye SSSI – No objection**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

##### **Other advice**

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A

#### 4.4 Internal Council Consultations

#### 4.5 Principal Natural Environment Officer (Ecology): No objection. (Comments dated March 2023).

Comments: Approve with conditions

#### Notes in respect of HRA:

The proposal is for the demolition of former Park Hall Ballroom and erection of 5 dwellings and 15 timber holiday lodges, reception area and associated works.

- There is a mains sewer connection available to this development to manage foul water flow.
- At this location the mains sewer system is managed through DCWW's Much Dewchurch Wastewater Treatment Works.
- The Much Dewchurch WwTW discharges in to the 'lower middle' section of the River Wye SAC.
- DCWW have not made any comments to indicate that a connection to their mains sewer system cannot be achieved.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- Surface water will be managed by a combination of soakaways and (where soakaways are not appropriate due to tree route protection and the required 5m distance between buildings and soakaways) the conveying surface water to an infiltration basin. Details are provided on drawing Amended Drainage Design dated 20/02/2023.
- No surface water will be discharged to the local mains sewer system to ensure there is no hydraulic overloading.
- The LPA has no reason to consider that the proposed foul and surface water management systems cannot be achieved and delivered for this development.
- The agreed foul and surface water management systems can be secured by condition on any planning permission granted

Subject to a no objection response by Natural England to the HRA appropriate assessment completed by the LPA there are no identified unmitigated effects from this development on the River Wye SAC.

#### Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved by this permission shall discharge through connection to Much Dewchurch mains sewer system managed by Welsh Water

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

#### Habitat Regulations (River Wye SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a suitably sized soakaway-infiltration system in combination with an infiltration basin as indicated in Amended Drainage Design dated 20/02/2023.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019'

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

(the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

**Additional ecology comments:**

From supplied and available information, the LPA has no reason to consider that there are likely to be any effects on 'protected' species from the proposed development. Although there are no specific records for the site there it is evident that the site provides opportunities for foraging and commuting corridor for bats species. Consequently, the following additional ecology condition applies:

Construction Environmental Management Plan

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

All other previous ecology comments remain relevant.

**4.6 Principal Natural Environment Officer (Ecology):** (*Comments dated September 2022*)

The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application.

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires all information to be beyond doubt and legally and scientifically certainty in order to complete the HRA process that must be completed with a precautionary approach.

**Notes in respect of HRA**

- The proposal is for the demolition of former Park Hall Ballroom and erection of 5 dwelling houses and 15 timber holiday lodges and associated works.
- The Drainage Strategy by InfrastructCS dated July 2022 is noted.
- The drainage report advises that foul water collected conveyed via gravity pipe network to a pump where it will be pumped to new chamber where it will then flow into the existing Welsh Water (DCWW) mains sewer.
- The Planning Design and Access Statement by JCPC dated July 2022 states that Welsh Water have confirmed that they have the capacity to accommodate the proposed foul water flows in the public system. However, no formal confirmation that a connection can actually be secured and adopted by DCWW, or that the local mains sewer system has sufficient capacity has been submitted to provide the LPA with the required scientific and legal certainty that foul water can be managed by mains sewer at this location.

- Clarification and certainty supported by a formal, positive, Welsh Water response in respect of mains sewer connection and capacity is required to progress the required HRA process.

At this time due to legal and scientific uncertainty over effects on the SAC designation not secured there is an identified Adverse Effect on the Integrity of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, SD4 and SD3 (SS1, SS6 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency.

#### **Additional ecology comments:**

The Ecological Assessment report by Pure Ecology dated August 2022 is noted and appears relevant and appropriate.

While records for significant populations of multiple bat species exist for the local area - including roosting, foraging and commuting – the ecological assessment concluded that roosting bats are absent from the site. Similarly, the report indicated that other protected species are absent from the site.

From supplied and available information, the LPA has no reason to consider that there are likely to be any effects on 'protected' species from the proposed development. Although there are have no specific records for the site there it is evident that the site provides opportunities for foraging and commuting corridor for bats species. Consequently, the following conditions apply:

The recommendations in the Ecological Assessment report, including Biodiversity Net Gain enhancements should be secured for implementation by condition on any planning permission granted.

#### **Ecological Protection**

The ecological protection and working methods scheme, including all biodiversity net gain and habitat enhancements and management as detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

#### **Protected Species and Dark Skies**

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation, including nocturnal protected species present at the immediate locality. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested:

The recommendation with respect to lighting detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats

Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

4.7 **Area Engineer (Highways); No objection** (Comments dated August 2023)

Comments:

After further information was provided regarding the movements of the site and flows of the A466 and the B4348 the following comments can be made.

1. The movement associated with the holiday lodges will be undertaken outside peak times and any which are during peak time would not significantly affect the existing flows. The departures and arrivals can look to be controlled by checking in and out times outside of peak times.
2. The proposals to have domestic movements from the dwellings will not increase the vehicle movements at peak times and they can be accommodated into existing vehicle movements from the site. From the observations submitted as part of the Transport Note and from a number of site visits it is clear the existing parking area, which is included in these proposals sees a significant level of existing movements. Therefore the movement associated with the proposals would not be classed as severe under the NPPF.
3. The visibility splay from the site access can be conditioned as 2.4 x 43m. This visibility splay will also benefit the proposed pedestrian crossing points.
4. The provision of a crossing point on the B4348 to the bus stops will improve connectivity to the site for all users, off site works should be conditioned.
5. Parking should meet HC, on all three aspects of this site – the holiday lodges, five dwellings and the parking for the business use currently Simply Stunning Furniture. Parking criteria should also include cycle storage

With the points raised above the LHA does not have any objections to the proposals subject to the following conditions.

**Site conditions**

CAB - Visibility Splays – 43 x 2.4m  
 CAE - Vehicular access construction  
 CAP -Highways Improvement/off site works  
 CAT - Construction Management Plan

I11 – Mud on highway  
 I09 – Private apparatus within the highway  
 I45 – Works within the highway  
 I08 – Section 278 Agreement  
 I47 – Drainage other than via highway system

In addition the following need to be added to individual sections.

<b>Dwellings</b>	<b>Holiday Lodges</b>	<b>Parking area</b>
CAH - Driveway gradient CAI - Parking – single/shared private drives CB2 - Secure covered cycle parking provision	CAJ -Parking CB2 - Secure covered cycle parking provision CB3 - Travel Plan I41 – Travel plans	CAJ -Parking CB2 - Secure covered cycle parking provision I35 – Highways Design Guide and Specification

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453



	I35 – Highways Design Guide and Specification	
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#### 4.8 **Area Engineer (Highways):** (*Comments February 2023*)

The proposals seek to construct five new residential dwellings and 15 holiday lets on the site of the former Park Hall Ballroom in Wormelow.

Previous highway comments were submitted in September and November 2022 which sought the preparation of a Transport Statement and further additional information.

The further information sought as part of the November 2022 highway comments is set out as follows:

- 1) Review the impact of the development on the A466 and B4348.
- 2) Review of crossing points for pedestrians to access the sustainable transport provision.
- 3) A travel plan.
- 4) Details on how arrivals and departures going to be organised.
- 5) Details on how the waste road side pickups are going to be undertaken as the road to the proposed dwellings is not adopted and the first dwelling is too far away to meet HC waste requirements for developments.

The applicant has amended the Transport Statement (January 2023) to seek to address these comments. However, it is considered that further information is still required from the applicant to inform the access strategy and the impact of the development on the surrounding local highway network.

The additional information sought is set out as follows:

##### **1) Review the impact of the development on the A466 and B4348.**

Further details have been submitted with regard to the trip generation on the site and the likely increase in movements anticipated as part of the proposed development. However, no reference has been made with regard to through movements along either the A466 or the B4348 and therefore the existing efficient operation of the site access junction cannot be established. As such, it is considered that a capacity assessment of the site access junction should be undertaken to demonstrate that there will be capacity at the revised access junction to accommodate the proposed development.

The local highway authority would also require that a Road Safety Audit be carried out at the site access junction due to the fact that there are various interactions within close proximity of the junction which could conflict with future access and egress movements including the adjacent land uses (i.e. furniture store, pub, convenience store etc.).

##### **2) Review of crossing points for pedestrians to access the sustainable transport provision.**

A crossing of the A466 has been proposed as part of the development proposals. However the access strategy to the bus stop located along the B4348 should be confirmed as there is currently no means of access between the proposed development site and this bus stop provision. This should be supported by a Road Safety Audit to ensure that safe pedestrian access can be achieved to surrounding sustainable transport provision.

##### **3) A travel plan.**

A Framework Travel Plan has been produced for the proposed development. It is considered that further detail with regard to measures and initiatives can be secured as part of the preparation of a Full Travel Plan for the site prior to occupation.

##### **4) Details on how arrivals and departures are going to be organised.**

The applicant has demonstrated the likely trip generation and operational organisation for the site access and egress movements. However, reference has been made with regard to the

likely trip generation which could be associated with the Ballroom should this be brought back into use. It should be noted though that the Ballroom is in a state of disrepair and could not be reutilised without significant structural works. As such it is considered an historic as opposed to an extant use.

**5) Details on how the waste roadside pickups are going to be undertaken as the road to the proposed dwellings is not adopted and the first dwelling is too far away to meet HC waste requirements for developments.**

The applicant states that as the on-site access roads will be constructed to adoptable standards that refuse vehicles will access the proposed development site. However, no agreement has been reached to date with Waste Management Services as to whether refuse vehicle will serve private residential dwellings and holiday let accommodation. As such, the applicant should confirm that council refuse operations will serve the development to ensure that an appropriate waste management strategy can be secured for the site.

As such the local highway authority require further information to allow for a conclusion to be drawn with regard to the development proposals.

**Recommendation**

<input type="checkbox"/>	No Highways Objection – No Conditions Required
<input type="checkbox"/>	No Highways Objection – With Conditions (List Conditions Below)
<input checked="" type="checkbox"/>	Additional Information or Amendment Required
<input type="checkbox"/>	Highways Objection (List Reasons Below)

**4.9 Area Engineer (Highways):** (*Comments November 2022*)

After reading the submitted Transport statement the following further information required: -

1. Review the impact of the development on the A466 and B4348.
2. Review of crossing points for pedestrians to access the sustainable transport provision.
3. A travel plan.
4. Details on how arrivals and departures going to be organised.
5. Details on how the waste road side pickups are going to be undertaken as the road to the proposed dwellings is not adopted and the first dwelling is too far away to meet HC waste requirements for developments.

**4.10 Area Engineer (Highways):** (*Comments September 2022*)

Please provide and Transport Statement reviewing the implication of these proposals on the highways network

**4.11 Principal Natural Environment Officer (Landscape): No objection** (*Comments February 2023*)

No further landscape comments.

**4.12 Principal Natural Environment Officer (Landscape)** (*Comments October 2022*)

The site was visited 13<sup>th</sup> October 2022. The landscape character type falls between sandstone farmlands, principal wooded hills and principal settled farmlands. Public footpath MD13 runs through the site and is part of the Herefordshire Trail long distance route. Public footpath MD14 runs from the site to the south. An area tree preservation order covers the site, giving protection to any trees present when it was made in 1955.

The site falls within the Bryngwyn un-registered park and garden, which is of local historic interest. The site itself has changed significantly when compared to historic maps, where the land was

originally field with parkland trees on the approach to Old Brynwgyn. However post approx. 1950 additional buildings and a warehouse have been constructed, together with the old ballroom and its associated hard standing. The site no longer has any parkland character, although the important mature trees are key landscape features.

The tree survey and LVA are both welcome. The LVA follows recommended guidance and covers all expected information.

**Landscape character and visual impact** – It is agreed with the LVA that the character of the site itself is a brownfield, previously development site with neighbouring residential and commercial uses. It is also agreed that the site has limited intervisibility with the wider landscape and is well contained by topography, vegetation and existing built form. There is no objection to the principal of development on this site, where the key feature trees are shown to be retained and adequately protected in the long term.

**Site layout and landscape proposals** – The proposed site layout does not have a strong identity or sense of place. It is a shame that there are no proposals to enhance the site entrance to make it more welcoming. The lodges are relatively small and discrete in appearance, set within mature and new planting and behind the warehouse building, however they also look a little squashed in around a cul-de-sac, rather than a well-designed layout. The parking for the lodges seems minimal. It is assumed that provision for collecting refuse and for cycle parking will be required, which will add more clutter and structures to the west half of the site. Consideration should also be given to the extent of lighting required on the site.

The principals set out in the landscape strategy are appropriate. The small play area at the centre of the site should ideally not need to be separated by a hedgerow, as long as the adjacent road is safe, then this feature would sit more comfortably as part of a designed open central area, for seating and general community meeting point with a few natural play features incorporated. A new or reinforced mixed native hedgerow with trees along the southern site boundary would be welcome.

### **Conditions**

If the application is to be approved then conditions should be added for the landscape strategy to be worked up in detail, with fully specified hard and soft plans and schedules.

A landscape management and maintenance plan for 10 years is required, to include watering schedules for all newly planted trees, maintenance to mature boundary planting and works that will be carried out by any management company for areas outside of private ownership.

### **Conclusion**

These comments are provided in relation to Core Strategy Policy LD1 on landscape character and landscape schemes and LD3 on green infrastructure. It is required that all new development should reflect the sense of place and integrate appropriately into the surrounding setting.

#### **4.13 Principal Natural Environment Officer (Trees): No objection** (*Comments October 2023*)

Pre-commencement condition will be fine in regards to securing 'trenchless method on site'

#### **4.14 Principal Natural Environment Officer (Trees):** *Comments October 2022*

The soft landscape plan looks to provide an increase in canopy cover but where are the details regarding species and management?

My previous comments:

*Finally there has not been a soft landscape plan submitted.*

*Despite the abundance of large high quality trees, we also require new planting to demonstrate compliance with policy LD1 & 3.*

*The soft landscape plan should include a maintenance and watering process that includes watering schedules, volumes and frequency*

My understanding is the details regarding trenchless work within tree RPAs is still pending.

Can we have further details regarding soft landscaping as requested previously please.

**4.15 Principal Natural Environment Officer (Trees): Comments September 2022**

I can confirm that I don't have an arboreal based objection to the proposed development for the reason that the constraints on the important trees is considered low, confirmed in the accompanying arboreal report.

However, there is a need for more information. There's a section on the drainage strategy where a trenchless method is required to avoid root damage to two category A trees – T25/T6. To the best of my knowledge the methodology for how the drainage shall be installed has not been disclosed.

I'd like to see this methodology prior to any determination due to the importance of the trees and the potential for irreversible damage should root damage occur.

Additionally I would suggest the arborist employed to carry out the survey is consulted on the method to add an arboreal perspective.

Finally there has not been a soft landscape plan submitted.

Despite the abundance of large high quality trees, we also require new planting to demonstrate compliance with policy LD1 & 3.

The soft landscape plan should include a maintenance and watering process that includes watering schedules, volumes and frequency.

**4.16 Environmental Health Servicer Manager (Contaminated Land): No objection (Comments February 2023)**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only. I've nothing further to add to our previous representation of 23rd September 2022 recommending a suitably worded condition be appended to any approval

**4.17 Environmental Health Servicer Manager (Contaminated Land): (Comments September 2022)**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

Whilst the former use of part of the site as a music venue is not considered itself to be potentially significantly contaminative, because of it being subject to fire damage and abandonment for a number of years, it would seem appropriate to undertake a precautionary assessment of any potential risks. These should include consideration of the fabric of the building and its disturbance and the method of fire control adopted (foams or water suppression).

As such, I'd recommend the condition below be appended to any approval.

1. No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.

2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

#### 4.18 **Public Rights of Way Manager:** (Comments *January 2023*)

In spite of previous comments saying that public footpath MD13 should not run along the estate road the revised plan has not changed.

#### 4:19 **Public Rights of Way Manager:** (Comments *September 2022*)

Public footpath MD13 runs through the site and has been shown on plans. The footpath should be allowed a width of at least 2 metres and should not run over an estate road.

#### 4.20 **Land Drainage: No objection (comments August 2023)**

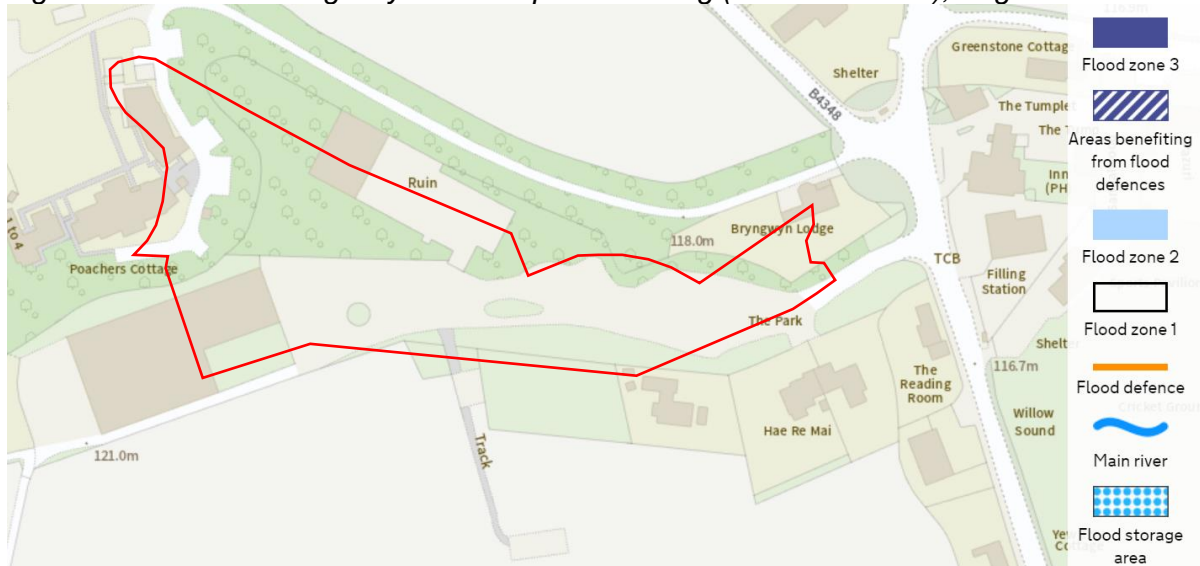
Our knowledge of the development proposals has been obtained from the following additional sources provided since we issued our previous consultation response in October 2022:

- Infiltration Tests 9.2.23;
- Infiltration Test Locations 9.2.23;

- Infiltration Basin 1 – 1 in 30yr (July 2023);
- Infiltration Basin 1 – 1 in 100yr (July 2023);
- Infiltration Basin 1 – 1 in 100yr + 40% CC (July 2023);
- Infiltration Basin 2 – 1 in 30yr (July 2023);
- Infiltration Basin 2 – 1 in 100yr (July 2023);
- Infiltration Basin 2 – 1 in 100yr + 40% CC (July 2023);
- Infiltration Basin 1 – Network (July 2023);
- Infiltration Basin 1 – Network + 40% (July 2023);
- Infiltration Basin 2 – Network (July 2023);
- Infiltration Basin 2 – Network + 40% (July 2023);
- Drainage Design 1 of 2 (Ref: 0201 P09);
- Drainage Design 2 of 2 (Ref: 0202 P09);
- Email Correspondence with Agent RE Welsh Water Sewer 12.06.23;
- Email Correspondence with Drainage Consultant 09.08.23-11.08.23.

### **Site Location**

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), August 2021*



### **Overview of the Proposal**

The Applicant proposes the demolition of former Park Hall Ballroom and construction of 5 dwellings and 15 timber holiday lodges on an area of 0.5ha mixed use, brownfield land currently comprised of a large hard surfaced area. The topography of the site slopes from northwest to southeast by approx. 7m (124mAOD in northwest corner to 116.75mAOD in most south-easterly corner).

### **Flood Risk**

#### ***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

### Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### Surface Water Drainage

Infiltration testing has been undertaken at the site whereby a single trial hole (TP01) was excavated to 1mBGL. Three tests were run in the trial hole to find an acceptable average infiltration rate of  $1.8 \times 10^{-5}$  m/s.

Additional infiltration testing was conducted in February 2023 whereby 3 trial holes were excavated. Three tests were conducted in each hole. The average infiltration rates established are as follows: TP02 (2m deep) =  $8.3 \times 10^{-6}$  m/s, TP03 (1m deep) =  $2.9 \times 10^{-5}$  m/s, TP04 (0.5m deep) =  $9.3 \times 10^{-6}$  m/s. All are acceptable for a surface water discharge to ground.

Two infiltration basins are proposed. Infiltration Basin 1 will be sited on the eastern side of the site (TP02) and is proposed to serve all 5 proposed dwellings, 2 holiday lodges, the reception building and the main road across the site. Infiltration Basin 2 will be sited on the western side of the site (TP03) and is proposed to serve the remaining 13 holiday lodges.

Both basins have been sized to accommodate a 1 in 100yr + 40% CC event using the infiltration rates obtained from the respective trial holes, stated above. Infiltration Basin 1 is also proposed to have an infiltration trench (comprised of a 300mm perforated pipe in a gravel trench) in the base to provide additional storage volume.

The required volume for Infiltration Basin 1 is  $206.6 \text{m}^3$ . The proposed basin volume is  $253 \text{m}^3$  and the infiltration trench will provide an additional  $31.2 \text{m}^3$  of volume. This is more than sufficient storage. It has been confirmed that a 6m offset distance can be achieved from the adjacent highway to the east of the basin.

The required volume for Infiltration Basin 2 is  $37.1 \text{m}^3$ . The proposed basin volume is  $74.5 \text{m}^3$  which is more than adequate.

The access track to the holiday lodges will be constructed of permeable gravel to facilitate infiltration. The main road across the site will be impermeable and drained via numerous gullies to Infiltration Basin 1.

We note that the private surface water pipework within the dwelling plots will be owned and maintained by the respective homeowners unless they appoint their own management company.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

Infiltration basin 1 will be maintained by a management company funded by all 5 homeowners and the holiday lodge company. All private surface water pipework serving the holiday lodges and infiltration basin 2 will be owned and maintained by the holiday lodge company and the appointed management company.

### **Foul Water Drainage**

Welsh Water have confirmed that capacity exists within the public sewerage system to accommodate the additional foul flows associated with the proposed development.

Email Correspondence with the Agent states that having held discussions with Welsh Water, the invert level of the receiving public foul sewer is deeper than previously expected. Therefore, a gravity fed discharge from all 5 dwellings, 15 holiday lodges and the reception building is proposed. Three connection points will be constructed due to the sloping topography of the site. Although the exact invert levels are yet to be confirmed, the Agent has confirmed that a gravity fed discharge will be achieved.

As the public foul sewer connection points will be located outside of the red line site boundary, Section 106 agreements will be sought.

The foul pipework between the holiday lodges will remain private. We understand that this will be owned by the holiday lodge company and maintained by an appointed private management company. For the proposed dwellings, the foul pipework within the private plots will remain private and will be owned by the respective homeowners. The rest of the foul pipework within the road and across shared land is to be adopted.

### **Overall Comment**

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements, at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development.

4.21 Original Land Drainage comments: October 2022: see link below  
<https://myaccount.herefordshire.gov.uk/documents?id=130da1e0-539f-11ed-905f-005056ab3a27>

4.22 **Principal Building Conservation Officer comments: no objection**

#### **Policy and Documents**

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

The application is for the Demolition of Former Park Hall Ballroom and Erection of 5 Dwellings and 15 Timber Holiday Lodges and associated works at The Park Wormelow.

I am aware that the application has been subject to pre-application advice reference 212841, which received the benefit of built heritage input. I have taken the opportunity to discuss the case with the built heritage officer who provided the initial assessment.



The site lies in a rural location to the south of Bryngwyn a grade II listed building UID 1099676, which may also include the Lodge at the junction with the B4348 as a Curtilage listed building. For the assessment of this consideration I have made the assumption that the lodge has the potential to be curtilage listed. This is not a confirmation as to whether the lodge is curtilage listed merely that the setting of this building has been assessed as such.

The “setting of a heritage asset” is defined in the Glossary of the National Planning Policy Framework as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Significance is defined in the Glossary of the National Planning Policy Framework as. “The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.

In accordance with paragraph 195 of NPPF , I would refer to the guidance prepared by Historic England The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning Note 3, [HEGPAN 3] in respect of how to assess setting, which should have been utilised in the assessment of the setting of heritage assets.

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets>

Historic England The Setting of Heritage Assets – Historic Environment Good Practise Advice in Planning Note 3, [HEGPAN 3] advises 5 steps to be considered when assessing setting.

1. Identify which heritage assets and their setting are affected.
2. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage assets.
3. Assess the effects of the proposed development whether beneficial or harmful on that significance,
4. Explore the way to maximise enhancement or minimise harm
5. Make and document the decision and monitor outcomes.

### **Step 1.**

The nearest listed building is Bryngwyn UID 1099676, a large country house of 1868 now divided into flats, and including the Lodge on the entrance to the B4348 which was built at the same time.

### **Step 2.**

Bryngwyn was constructed as a large county house presumably with significant lands around, including what appears to be a Home Farm to the NW. However in the latter part of the C20th, the house was divided into flats and the estate divided.

<https://maps.nls.uk/view/101570211>

<https://maps.nls.uk/view/101570205>

The rural parkland of the surroundings, including the trees in the landscape contribute towards the setting of this former Country House.

### **Step 3**

The proposal would involve the construction of 15 single storey time lodges to the west of The Lodge and 5 detached properties to the SW of the Lodge. The access would not be via the

entrance to Bryngwyn itself but the adjacent access which serves Old Bryngwyn, several properties including a retail unit.

To the west of the application site and to the east of Bryngwyn is the development of Voyage care, which has been converted from a previous courtyard building. There are a number of new buildings to the SE of the Courtyard.

The proposal would be between the former courtyard and adjacent new build and The Lodge, in an area of woodland with several mature trees which are visible from and in part screen the site from the B4348.

From the B4348 Bryngwyn is not readily visible due to the planting some of which appears to have occurred as estate planting and others by naturalisation of the site.

Several of these trees will be removed by the proposal and several will be retained on the boundary, and I note the comments from the Landscape Office in respect of the planting proposals.

Given the location of the principal listed building, the topography and trees and how the estate has evolved with it is not considered that the proposal would harm the setting of Bryngwyn UID 1099676.

I am aware that the site was assessed as part of the pre-application submission 212841 and that the application has been submitted in accordance with the advice offered by the Built Heritage Team as part of the pre-application submission.

#### **Step 4**

The retention of the relevant trees would aid in mitigation for the proposal and I would defer to the comments of the Arboriculture Officer in this regard. Ideally as many trees as possible should be retained.

I would also request that consideration be given to materials and hard and soft landscaping to be conditioned.

#### **4.23 Environmental Health Service Manager (Noise / Nuisance): No Objection**

Comments are made from a noise and nuisance perspective.  
A site visit has been carried out.

The application is for the demolition of the Park Hall ballroom, erection of 5 residential dwellings and 15 timber holiday lodges. I do not have concerns regarding the demolition of the ballroom or the erection of 5 residential dwellings near the site entrance.

Noise: I do have some concerns regarding the erection of the holiday lodges and the impact that their ongoing operation might have on residential amenity. The site is adjoined by residential property on 3

sides, including a care facility close to the western boundary. I note that soft planting and landscaping is proposed to 'soften views to and from surrounding receptors/neighbouring residential development'. I am of the opinion that this on its own will be insufficient mitigation against potential noise from the occupants of the lodges.

Lighting: I note the proposal for low level lighting. Any security lighting will need to be installed so as not to cause a nuisance to nearby residents.

Occupancy: I understand that occupancy will be restricted by condition should permission be granted.

Whilst this Department does not object to this proposal, to protect the amenity of nearby residents and the occupiers of the development, should permission be granted I suggest that the following conditions are added:

1. Prior to first commencement of the use hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following headings:

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

2. Prior to first commencement of the use hereby permitted, an acoustic barrier must be erected along the western site boundary. Details of which to be provided to and agreed by the LPA prior to barrier works commencing.

3. Any security lighting to be installed in accordance with Guidance note 01/21, 'The Reduction of Obtrusive Light' by the Institution of Lighting Professionals.

4. Air Source Heat Pumps: Prior to the installation of any ASHPs, a noise impact assessment will need to be completed by a suitably qualified acoustician (SQA) and provided to the LPA for approval.\*

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

\*The following link provides further information:

<https://www.cieh.org/media/7538/heat-pumps-briefing-note-professional-advice-note.pdf>

#### 4.24 Hereford and Worcester Fire Rescue Service comments:

- Fire service vehicle access to the new dwellings must comply with the requirements of ADB 2019 Vol 1 B5 Section 13 and Table 13.1
- In particular – there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside all of the new dwelling Houses/Holiday lodges
- Access Road to dwellings should be in accordance with ADB 2018 Vol 1 Table 13.1
- Water for firefighting purposes may need to be provided in accordance with: 'National guidance document on the provision of water for fire – fighting'
- The above matters will be assessed through the consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied.
- Comments relate only to the general site layout and accessibility for fire appliances and that others in HWFRS may look at different areas where the new proposals may have a potential impact. They may choose to comment separately on these issues.

## 5. Representations

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

5.1 **Much Dewchurch Parish Council** (*comments dated September 2022*)

Much Dewchurch Parish Council objects to this application. The site is home to several species of bat, a past report indicated seven different species are located there. Crested newts are also present at an adjacent property. Any disturbance to both these species would be contrary to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and SS6. The high level of local residents' objections suggests careful scrutiny of the application is needed.

5.2 **Llanwarne and District Group Parish Council** (*comments dated September 2022*)

Have considered the amendments in Planning Re-Consultation 222687 but do not consider that they address the concerns registered by Councillors in response to the original application. Consequently, the Parish Council remains opposed to the proposals set out in the application.

5.3 **Llanwarne & District Group Parish Council** (*Comments dated September 2022*)

Llanwarne & District Group Parish Council objects to the proposals set out in planning application 222687 for the following reasons.

Access & Increased Volumes of Traffic The current narrow access to the site will not be able to accommodate the significant increase in the volume of traffic that will be inevitable if the proposal for five properties and 15 lodges comes to fruition. The existing access road already serves Simply Stunning plus other enterprises and farms and will not cope with what could be an additional 25 two-way vehicle movements a day out of the junction at peak holiday season. This excludes staff and deliveries to the new site. It is noted that the transport officer has requested that additional information be provided on the implication of the development on the highways network. The Parish Council, therefore, recommends that a proper traffic assessment report is undertaken before any development is sanctioned by the LPA.

Loss of Privacy. The proposed development could lead to over-shadowing and potentially loss of privacy for those homes already in situ

Drainage Councillors are concerned that the current water supply / sewage systems may not be able to cope with the volumes needed or generated by the holiday lodges and dwelling houses.

General The Parish Council recognises the need for additional housing for the local community, but the focus of this development is clearly the provision of holiday accommodation which will not satisfy that requirement.

5.4 **Much Birch Parish Council comments: February 2023** (*Comments dated February 2023*)

The Much Birch Parish Council has reviewed the application 222687 (amended and additional), notes the reconfiguration of house types and additions such as dropped kerbs. The Parish council wish to reiterate their objection to the proposal because the council do not consider that the main concerns raised have been addressed. The safety of walkers is note resolved, and the other comments made previously still apply.

5.5 **Much Birch Parish Council October 2022 comments:**

Much Birch Parish Council wish to OBJECT to the planning consultation proposals in 222687 as they believe that the location is neither appropriate nor suitable for such a venture of mixed housing and holiday homes. The reasons for this belief include the concern over viability and sustainability of transport links, as vehicle transport to and from the location will be required and

pedestrian access to amenities is limited. The venture appears to be out of keeping with the surrounding area and in relation to the existing businesses. There is also concern regarding lack of added value for holiday making in terms of amenities on offer.

## 5.6 Public Representations:

Public 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=222687&search-term=222687](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222687&search-term=222687)

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>

## 5.7 3 formal consultation periods have taken place in respect of the application.

A total of 46 objections have been received:

*It is noted that a large number of the objections are from the same family and employees of Simply Stunning.*

## 5.8 Concerns raised can be summarised as follows:

### Landscape/Trees

- Impact on landscape and character of the area
- Existing leylandi hedge owned by applicant at entrance causing damage to local property and car.
- Planting trees on land not in their ownership – (Park Hill View)

### Drainage

- Surface water discharge. Currently discharges excess rain water through underground drainage pipes. Assurance not create flooding
- Buildings design water pipes
- Water and sewer network – should be become the responsibility of Welsh Water
- A private and mains water supply is currently running through where one or more of the new proposed dwellings will be situated. This would be affected by the placement of the new property and a replacement line would need to be installed. Businesses would be adversely affected by this.
- Location of the sewage pumping station adjacent to my front entrance (Nursery Cottage The Park)

### Amenity

- Noise and disturbance to local wildlife/neighbours. It would spoil the area surrounding park hall trees etc and wildlife.
- Recreation disturbance.
- Loss of privacy
- Pump noise and fumes affect health and wellbeing

### General comments

- Area is heavily used by the surrounding community, current dwellings and businesses.
- How will access to all the current properties and businesses be affected over the time period of building and development? A large access will be needed at all times and any obstructions to the route, water supply, electricity, broadband and parking will be totally unacceptable for the current established businesses and existing residents.
  
- No local need/requirement for the development
- Not sustainable development
- Effect on house prices

- Over development of the site
- The Wormelow Tump Pub, The Wormelow Garage, The Steiner School and the cricket Reduce car parking for simply stunning No community parking Local cricket club using area to park/walkers use area to park to access the Herefordshire Way area is used for dog walkers and hikers.
- Concerns that local care home directly behind the proposed development would be affected by the development

### **Wildlife/ecology**

- Need for Habitats Regulations Assessment – likely impact on additional nutrients being added to the Wye SAC catchment as a result of additional sewage to the relevant Welsh Water treatment plant
- Noise and disturbance to local wildlife
- Detrimental to local wildlife. Impact on quiet and peaceful location. Area left undisturbed so wildlife haven – bats, great crested newts

### **Simply Stunning/other business**

- Area is heavily used by the surrounding community, current dwellings and businesses. Any changes to this would have an adverse effect. Proposed changes to parking and landscaping have negative impact on the current running of these businesses.
- Changes made to the existing access for Simply Stunning, farmyard and the Farm Shop will have a devastating effect to all these businesses due to access being reduced to a sub access through the proposed housing development.
- Simply Stunning will not be visible and affect custom
- Simply Stunning: Relies on access and parking
- Simply Stunning Shop will not be able to operate during building works. Downfall in footfall/customers jeopardising employment
- Business signage for Simply Stunning must be retained. Negative impact on existing retail unit/invasive of the parking area/reduced parking for their customers

### **Lodges/Tourism**

- Prefer development similar to DMS/112232/o
- Prefer housing than lodges.
- No local need/requirement for the development
- Already plenty of tourist accommodation and impact on existing holiday accommodation business in Kivernoll. Wormelow is not a significant tourist destination, No need. The village has very few amenities for tourists, and holiday accommodation is already available.
- Wormelow is small village – holiday lodges be in the middle of the village and not on the outskirts should be focused on the market towns.

### **Housing**

- The houses situated by the access point near to the main road will unwillingly be joined and incorporated into the new development. Although stated that hedges are in front of the existing houses which include small kept grassed areas in front, the driveways and front facing windows still overlook where the proposed will be built. Looking at the plans there will be a garage directly in front of one of the existing dwellings. This may be an issue for the current occupier
- Houses- 5 x4 bed too large.
- This is significant growth: should be "proportionate housing development" within the settlement boundary of Wormelow: a brown-field site such as Park Hall should be re-developed exclusively for new housing, and not for unnecessary holiday accommodation
- No affordable housing. Not address local needs
- Village needs a play park
- Residential housing is referenced to be designed aesthetically in conjunction with the proposed holiday lodges. This would incorporate a wood cladding exterior and use of a

tin roof design. Looking at the drawing plan, the lodges are situated in a different area to the residential houses. This is not in line with the current dwellings that will be overshadowed by the proposed housing that would be adjoining and incorporated into the estate.

### **Transport/access/highway matters/car parking**

- This access road will be for business use with high levels of heavy goods vehicles, farm tractors and lorries. This road will be running through the proposed five house development. Road design/pavement/street lighting. Proposed road not wide enough to allow 2 tractor to pass. Access for local farmers with heavy plant to access fields. Currently avoid driving under the TPO trees
- Play park – only one in the village and encourage children to the area to play. Need pavement and street lighting.
- Increase vehicle traffic
- Adoption of road? Current road in poor state of repair. Pot holes
- Excessive traffic on an insufficient road
- Right of way being replaced by a footpath
- Right of way of several properties: Old Bryngwyn, The Beeches, Wood Cottages, Miles Higgins
- Farm. Legal right of issue Legal access for Miles Higgins Farm, Little Bryngwn, The Bungalow, Toms Yard, Simply stunning goes through the site and not a footpath and must be kept intact.
- Next to site is a nursing home for disabled people and use existing paths on site. No mention of retaining these tracks.
- Increase in traffic emerging onto A466 – road safety/pedestrian conflict on site
- Will the new road be able to accommodate the use/traffic?
- Maintenance of the roadway/appropriate street lighting
- Road with is still not wide enough
- Has a traffic survey been undertaken
- No drop kerb to cross the junction of the B4348 which is essential to access the bus stop

5.9 Comments in support can be summarised as follows:

- Support the demolition of the park hall: The state and decay of the existing ballroom is accepted by all as a negative aspect.

## **6. Officer's Appraisal**

### **Policy Context**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Much Dewchurch Neighbourhood Area, which has not begun drafting a Neighbourhood Development Plan, so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2023 is a significant material consideration, but does not hold the statutory presumption of a development plan.

6.3 With regards to heritage, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. A decision was taken to prepare a new local plan in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant Core Strategy policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 6.5 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.
- 6.6 Paragraph 11 of the National Planning Policy Framework requires plans and decisions should apply a presumption in favour of sustainable development and for decision-taking, this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the planning policies most important for determining the application are out-of-date, granting planning permission unless:
    - i. the application of policies in this Framework that protects areas of assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.7 It is noted Herefordshire Council currently has a five year housing supply (5.84 years).

### **Principle of development**

#### **Tourism/Holiday lodges**

- 6.8 Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. As set out Core Strategy Policy SD1 identifies a presumption in favour of sustainable development which echoes that within Paragraph 11 of the NPPF.
- 6.9 Policy RA6 of the Core Strategy states that employment generating development proposals which help diversify the rural economy will be supported in cases where they, inter alia, promote sustainable tourism proposals of an appropriate scale (where in accordance with Core Strategy policy E4. Policy E4 provides the framework for assessing development proposals relating to tourism in Herefordshire. Proposals will be supported where it is ensured that there is no detrimental impact on the county's varied natural and heritage assets and the overall character and quality of the environment; and where there would be new accommodation and attractions which diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. Regard should also be had to the visual amenity of walking and cycling routes, such as designated Public Rights of Way.
- 6.10 When assessing the site's suitability it can be seen that the site is located within a brownfield site within the village of Wormelow and within the parish of Much Dewchurch. Wormelow contains a range of services such as a shop, museum, cricket club, a public house and public transport links are available. Whilst it can be acknowledged that the users of the holiday lodges would only reside



within the area on a temporary basis and therefore have less dependency upon the services within the village, it is still considered that the occupiers of the holiday lodges would still need access and provide some support to these services. This fulfils a modest economic and social benefit.

- 6.11 The site and village is pedestrian friendly as there are footpaths connectivity and access to bus stops long the A466. However to access further attractions and services it is therefore considered that future occupiers would rely on the use of private cars, however it is also considered that use of bicycles may be also be used, As such, it is considered the proposal whilst accords with policies SS4, SS7 and MT1 of the Core Strategy and paragraph 7 of the National Planning Policy Framework (which states that the purpose of the planning system is to contribute to the achievement of sustainable development) in this regard as the users can walk and make use of bicycles.
- 6.12 The application site is located within land under the same ownership as the occupiers of Simply Stunning (as seen on the location plan) which is located next to the application site and other properties. These properties are served by the private access road off the A466. The site is well screened by an existing mature tree line. The main environmental matters to be considered are biodiversity and landscape character. Policy LD1 states that development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas
- 6.13 The site is considered sustainable in a locational sense albeit it is not within a market town. The units are also intended to be a permanent addition, insofar they are not mobile units. The proposal for tourist accommodation in the form of 15 units (2 and 3 bed units) are of an appropriate scale, with an open plan living, cooking and dining area, it can reasonably be supported under Policy E4. This policy, read in conjunction with Policy RA6, is permissive towards schemes that conserve environmental quality, i.e. it does not preclude (including permanent) accommodation of an appropriate scale, type and location, on the basis of recognising the contribution that tourism makes to the local economy.
- 6.14 Whilst the proposed lodge possesses all the features required for habitation, it is of a limited, single-storey scale (520 and 800sqft) which could be restricted for holiday let use only and subject to a further conditional requirement to maintain a register of occupiers. The site lies next to the Herefordshire Way walking route. The proposal will boost tourism within Herefordshire and promote cycling, walking and heritage tourism in the local area.
- 6.15 Policy RA6 of the Core Strategy states that employment generating development proposals which help diversify the rural economy such as business diversification projects will be supported in cases where they;
- Support and strengthen local food and drink production
  - Support and/or protect the vitality and viability of commercial facilities of an appropriate type and scale
  - Involve the small scale extension of existing businesses
  - Promote sustainable tourism proposals where in accordance with Core Strategy Policy E4
  - Support the retention and/or diversification of existing agricultural businesses
- 6.16 With reference to diversification schemes, the policy proceeds to state that such development proposals can be supported where they;
- Ensure that development is of a scale which is commensurate with its location and setting;
  - Do not cause unacceptable adverse impacts to the amenity of neighbouring residents (i.e - noise, dust, lighting smell etc)

- Does not generate traffic movements which the local highway network cannot accommodate
- Does not undermine the achievement of water quality targets as set out in Core Strategy Policy SD3/SS4

6.17 Following the above policy commentary, Core Strategy Policy E4 provides the framework as to the criterion for the support of development proposals which relate to tourism in Herefordshire. It is stated that the county will be promoted as a destination for sustainable tourism. Development proposals would be supported where;

- It is ensured that there is no detrimental impact on the county's varied natural and heritage assets and the overall character and quality of the environment
- there would be new accommodation and attractions throughout Herefordshire which would diversify the tourist provision and extend the tourist season and increase the number of visitors staying overnight.
- regards are had to the visual amenity of public/cycling routes such as Public Rights of Way (PROW)

6.18 The postscript to policy E4 acknowledges that many visitors to the county come to enjoy the beautiful countryside and there is likely to be a demand for new facilities and accommodation associated with this. It goes on to state that whilst some small scale tourism associated development may be appropriate in rural areas, any significant new development for accommodation and facilities should be focused in Hereford and the market towns to maximise sustainable transport opportunities and to protect environmental amenity.

6.19 The foregoing is supported by Chapter 6 of the NPPF which comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It goes on to touch on tourism specifically saying that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 of the NPPF states:

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*

6.20 It is clear that, from the above policy assessment, there is broad support for tourist accommodation, truly designed for holiday purposes, and specifically supports the use of previously developed land for tourism. Providing such accommodation does not have an undue impact upon the environment, landscape or heritage values.

6.21 However, they also make it clear that in order to benefit from this support, proposals must be 'sustainable' when having regard to relevant development plan policies and the three objectives of sustainability as set out at paragraph 8 of the NPPF. Officers are also mindful of potential benefits of UK residents holidaying at home, instead of flying and people being more conscious to avoid unnecessary flights and personal CO2 emissions. The provision of these lodges units would deliver some economic benefits to local services and amenities.

- 6.22 The NPPF advises at paragraph 104 (c) that development proposals should promote walking, cycling and public transport use, whilst policies SS4, SS7 and MT1 of the Core Strategy require that proposals should focus development to the most sustainable locations'; reducing the need to travel by private car; and facilitate a genuine choice of travel modes.
- 6.23 The application site is located in Wormelow which is identified under policy RA2 of the Core Strategy as sustainable settlements appropriate for proportionate residential development and on brownfield land. Given the location of the site, it is accepted that the majority of the future guests will need to arrive by car and maybe bus and the local PROW network means that guests would have ready access to local footpaths. Overall it is considered that with the addition of cycle storage and with bus route available to the guests the scheme provides a genuine range of sustainable transport options and while it is noted that there will be a reliance upon the private motor vehicle to access the site and shopping facilities while staying this will be weighed against the benefits of the scheme.

### **Principle of Residential dwellings**

- 6.24 The spatial strategy to housing distribution within the county is set out in the Core Strategy at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (p.109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle.
- 6.25 Outside of Hereford City, and the market towns, Core Strategy Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Much Dewchurch and Wormelow are within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development.
- 6.26 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, Much Dewchurch have not progressed with a Neighbourhood Development Plan.
- 6.27 For decision making, when assessing the Development Plan in the first instance, and in particular considering policy RA2, this states that new development will be permitted where the following criteria are met:
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
  2. Their locations make best and full use of suitable brownfield sites wherever possible;
  3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding development and its landscape setting; and
  4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in a particular settlement, reflecting local demand.

6.28 Officers conclude, that when assessed against criteria 1 above the site clearly lies adjacent the main built form of the settlement. Taking this and all of the above into account, it is officers' opinion that the site is appropriate for residential development in locational terms. In regards to Criteria 2 of Core Strategy policy RA2 the site is developed land/brownfield. Criteria 3 and Criteria 4 of Core Strategy policy RA2 the scale of development has been reduced following pre application discussions.

The below map illustrates this with the current application site marked by the red star and within the red line:

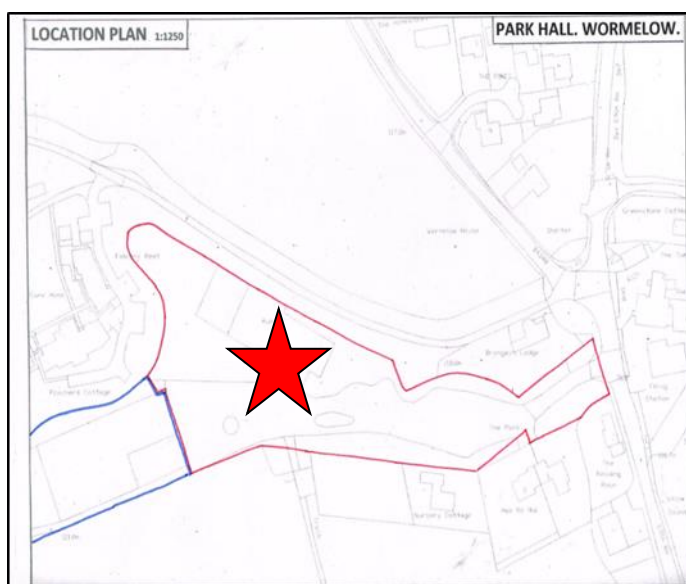


Figure 4: site location marked by red star and showing neighbouring properties

6.29 Much Dewchurch is a settlement defined by figure 4.14. As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as either the NDP or the Rural Areas Sites Allocation DPD defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement. In light of this, the site is indicated on the plan above by the red star: It is considered to lie adjacent to the main built form of the settlement and would form a natural extension/relationship to it. In considering the policy requirements relating to the delivery of housing, the application site is adjacently to the main-built up part of the settlement in accordance with Core Strategy policy RA2. The principle of residential development is therefore considered acceptable when taking into account the relative sustainability of the location with access to a range of services on foot or by public transport.

6.30 Given the site lies adjacent to residential development that is considered to form part of the main built form is considered to adhere to Core Strategy RA2. Outside of these boundaries, housing development should comply with Herefordshire Local Plan Core Strategy policy RA3 although new dwellings may be permitted on previously developed land, i.e. brownfield sites, adjacent to these boundaries. Notwithstanding the assessments above. The term 'adjacent' is taken to mean next to or adjoining and as such the application site is considered to be adjacent to the settlement boundary. The application site forms part of the established curtilage of the park hall and as such the site is considered to adhere to the NPPF definition of previously developed land and brownfield land and the NPPF's aim of encouraging development on brownfield land, as defined within paragraph 119 of the NPPF. As such the application adheres to the provision of RA2 and also the site does meet the definition of brownfield land and as such the site conform to the spatial strategy set out in the adopted development plan.

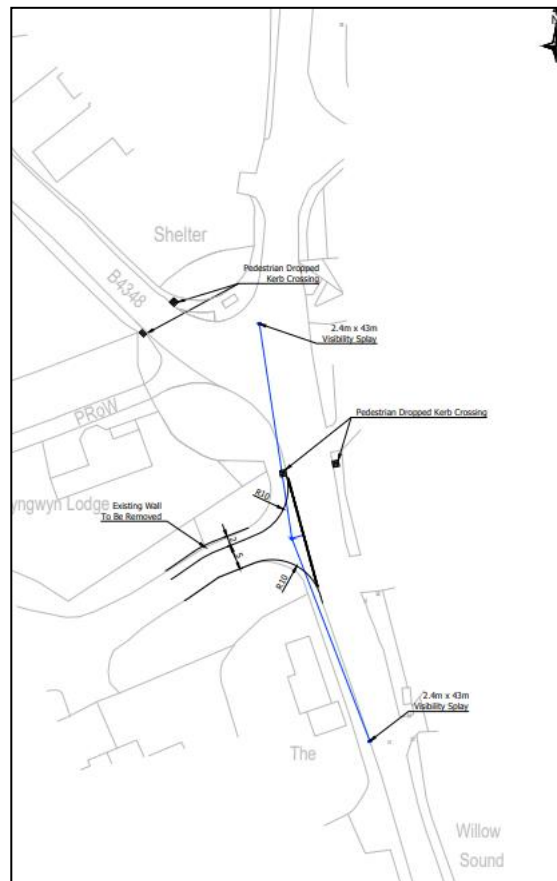
- 6.31 Policy SS7 of the Core Strategy requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the NPPF objectives to guide development to sustainable locations. The settlement of Wormelow provides a range of services and amenities for residents and includes regular bus services into Hereford from the A49, near the junction with Tump Lane.
- 6.32 Given the scale of the site, providing 5 dwellings, compared to the scale of the settlement and Parish the proposal is considered to be proportionate and in accordance with the relevant provisions of RA1 and RA2. The location of the application site is therefore considered to accord with the Core Strategy for the provision of housing in Wormelow and forms a sustainable location adjacent to the main built form of the settlement. As such the principle of residential development is accepted as according with the development plan. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

### **Transportation and impact upon local highway network**

- 6.33 Policy MT1 of the Core Strategy requires development proposals to give genuine choice as regards movement. The NPPF requires Local Planning Authorities to facilitate the use of sustainable modes of transport and refers to the need to ensure developments generating significant movements take account of whether safe and suitable access to the site can be achieved for all people.
- 6.34 The site is adjacent to the A466, the site is accessible to vehicles; and there is a network of footpaths for visitors to enjoy. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It is noted one of the most significant matters of public concern, as shown within representations received, relates to highway safety. Furthermore, concerns are raised in terms of pedestrian safety, displaced parking and the ability of the site and access to accommodate the traffic movements proposed. Whilst the concern of the local community is noted, as set out above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states "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." The development plan is the Herefordshire Core Strategy and the most relevant policies on the matter are SS4, MT1, RA6 and, E4 and as such, lawful assessment and acceptability of the proposed access arrangements must be made against these policies. Further to this, the NPPF is a material consideration and paragraphs 104 – 111 most relevant, with paragraph 111 stating Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.35 The proposed development is accessed via an existing vehicular access which currently not only serves the site itself but 7 residential units as well as an existing farmstead, a farm shop and the now vacant Simply Stunning Furniture warehouse and café. This junction is off the A466 and the B4348 in a 30mph zone.
- 6.36 It is accepted therefore that the proposal lies in a sustainable location giving residents and holiday makers the opportunity to access local facilities on foot and wider facilities on public transport. The proposal is therefore considered to be in accordance with Policy MT1 of the adopted Core Strategy and the broader principles of the NPPF (section 9) which has sustainable development at its heart. There is a public footpath which runs through the site and facilitates access to the wider countryside with several other footpaths in the vicinity. Electric charging points will be provided for the residential properties and for use by the residents of the holiday lodges. This will be secured by a condition as will secure cycle parking will be made available. The Local Highway

Authority (LHA) has reviewed the proposals and accompanying Transport Assessment and assessed the suitability of the proposed access and the vehicular movements associated with the proposal. The LHA requested additional clarification and details as part of the application relating to the movements of the site and flows of the A466 and the B4348. The Transport officer confirmed in their comments that the movement associated with the holiday lodges will be undertaken outside peak times and any which are during peak time would not significantly affect the existing flows. The departures and arrivals can look to be controlled by checking in and out times outside of peak times.

- 6.37 When looking at the domestic movements from the dwellings these will not increase the vehicle movements at peak times and they can be accommodated into existing vehicle movements from the site. The transport officer concludes that the movement associated with the proposals would not be classed as severe under the NPPF.
- 6.38 The proposed visibility splay from the site access has been added as a conditional requirement and this visibility splay will also benefit the proposed pedestrian crossing points. Additional as highlighted within the transport officer comments the provision of the crossing point on the B4348 to the bus stops will improve connectivity to the site for all users and this will be secured via a suitably worded conditioned.



**Figure 5: Visibility splay drawings**

- 6.39 The LHA have confirmed the proposed parking on site for the holiday lodges, five dwellings and the parking for the business use (formerly Simply Stunning Furniture) is acceptable.
- 6.40 It is however also worth noting visitors will have ready and immediate access onto the PROW network as a PROW intersects the site and in turn links up with other routes and walks. The PROW Officer has not raised an in principle objection to the proposals. Albeit they have commented that the public footpath MD13 runs through the site and the path should at least 2 metres and should not run over an estate road.

- 6.41 The provision and content of the travel plan submitted is appropriate for development. However to ensure that the travel plan is both implemented and developed in accordance with the undertaking set out here, it is recommended that an appropriate condition is applied and which will include monitoring of and as appropriate, updating of the Travel Plan over the developments' lifetime.
- 6.42 It has been demonstrated that a satisfactory access strategy can be provided. The proposals therefore meet the objectives of Policy SS4, MT1, E4 and RA6 to a sufficient or appropriate level. Furthermore the requirements of NPPF paragraphs 108 – 111 are also satisfied as assessed above. The highways network can accommodate the development without an unacceptable impact on highway safety and the impact on the road network is not severe. With the proposed appropriate mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.
- 6.43 Given the additional information that has been provided by the applicant, the access and movement arrangements within the submitted application are considered to be acceptable. The highway authority therefore has no objections to the application.

## **Design**

- 6.44 Notwithstanding the landscape assessment, Core Strategy policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents.
- 6.45 It is noted that the existing park hall building is to be demolished and this is currently derelict and therefore has no particular architectural merit and its loss and redevelopment does not present any specific design concerns.

### ***Holiday Lodges***

- 6.46 The proposed lodges located on the western side of the site in the location of the former park hall building and area of hardstanding to be constructed from timber and will incorporate many sustainable features such as rainwater harvesting, low level lighting, solar powered hot water and high level of thermal insulation. The lodges will be single storey and constructed from sustainable timber with a parking and access areas of gravel. The use of timber is considered to be appropriately aligned with local character and as single storey appropriate to the context of surrounding area. The 15 holiday lodges are considered not to be incongruous in terms of layout, scale and massing. The lodges will be 2 or 3 bedroom units to offer a choice of accommodation sizes to suit various tourist needs. The mix is as follows;
- 5 No x 2 bed lodges (520 sq ft)
  - 10 No x 3 bed lodges (800 sq ft)

An example of the holiday lodge can be seen overleaf:

- 6.47 The lodges have shallow pitched roofs with a central ridge running along the length of the roof.

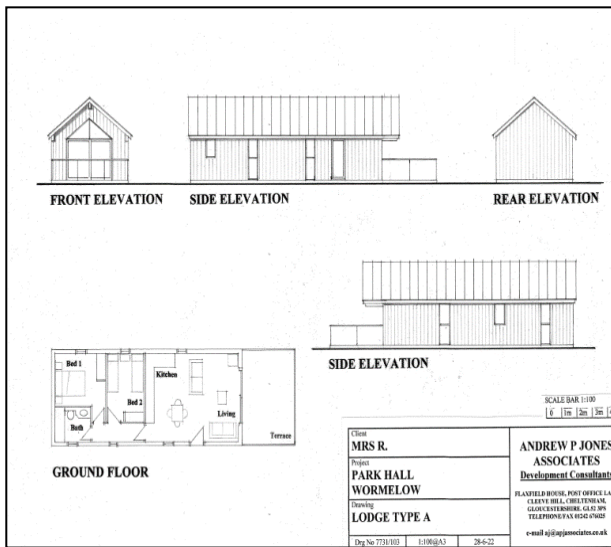


Figure 6: Example of a lodge

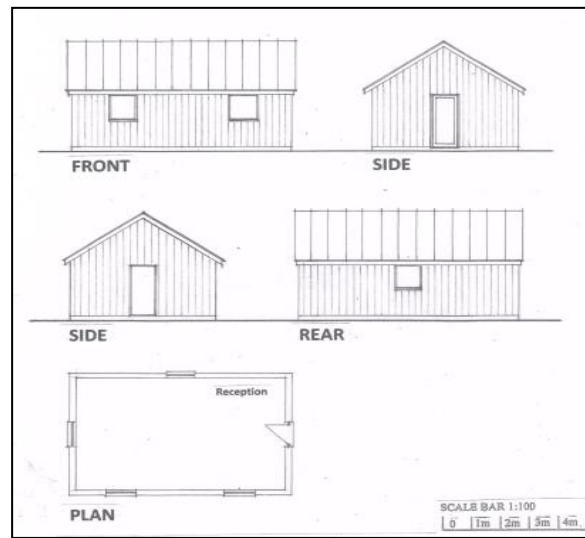


Figure 7: Reception building

6.48 A 'meet & greet' Reception building is also proposed which is a simple single storey and will be used for Reception/Check-in and Administration functions. A children's play area is also proposed alongside the visitor parking and the proposal also includes electric charging points.

### Dwellings

6.49 The proposed 5 detached dwellings with located on the eastern side of the site adjacent to existing residential development these dwelling units have been designed to reflect the character of the lodges.

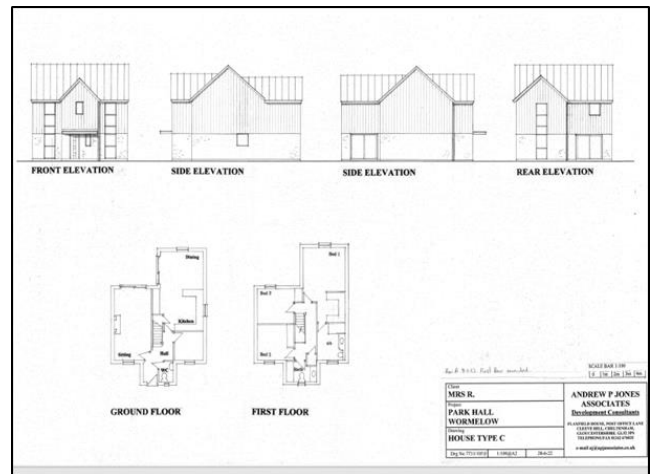
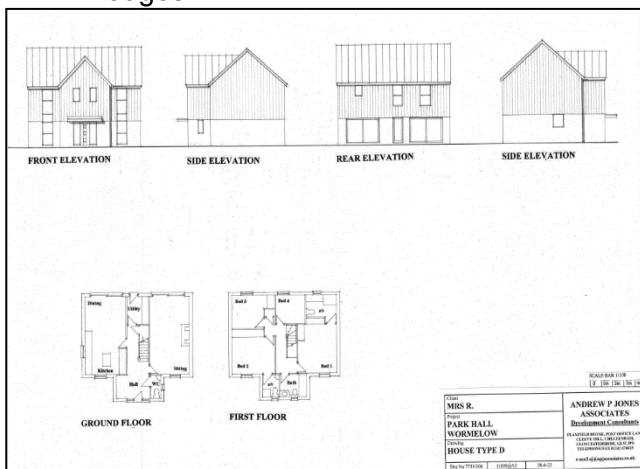


Figure 8: Proposed dwelling houses

In regards to the house designs for the 5 units:

- Type C: 3 x 3 bed (1250 sq ft)
- Type D: 2 x 4 bed (1800 sq ft)

6.50 The development would not affect the setting of the historic environment for the reasons discussed elsewhere in this report. Based on the site's context and the supporting documentation, the scale in the context of this site is considered to be justified. Finally, in terms of the overall design approach, efforts have been made to reflect local character. The simple design of the house are acceptable and the materials reflect the local vernacular and the lodges represents an appropriate design and landscape response to its setting and location. A condition has been

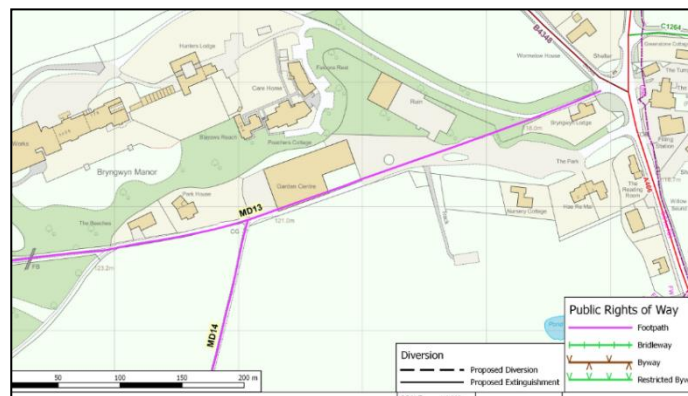


added to secure materials for both the dwellings and lodges. On the basis of the above and noting the functional requirements, Core strategy policies LD1 and SD1, and the design aims and objectives of the NPPF are satisfied.

## PROW

- 6.51 Public footpath MD13 runs through the site and this is seen below. As advised by the footpath officer the footpath must not be obstructed and they advised the PROW should not run along the estate road, but could run over a designated footway. Officers have reviewed the submitted plans and are satisfied there is no conflict with the existing PROW across the site.

Figure 9: Public Right of Way map



## Amenity, Noise and Light Pollution

- 6.52 The Core Strategy notes the protection of residential and local amenity is essential to ensuring local communities are and remain sustainable. Amenity considerations include such issues as noise. Policy SD1, within its list of criteria for sustainable design Policy SD1 and RA6 of the Core Strategy seek to ensure that development proposals are commensurate with their setting and do not cause undue harm to amenity.
- 6.53 The NPPF paragraph 185 requires the decision making process should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. It also requires development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 6.54 Core Strategy Policy RA6 supports proposals which seek to diversify the rural economy and provide sustainable tourism, subject to various criteria including scale, impact on residential amenity, highway safety and water quality. With this in mind, it is considered that the proposal would comply with policies E4 and E6 of the adopted Core Strategy. This is reinforced by para 84 of the NPPF which advises that planning policies and decisions should enable the sustainable growth of businesses in rural areas including sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.55 The derelict ballroom on site is proposed to be demolished as part of these proposals and this attraction would have generated a large number of visitors when in use and noise in the evenings. As part of the mitigation against noise a noise/site management plan condition would be required to be submitted and approved in writing by the Local Planning Authority. This shall include communication of site rules, a complaints procedure and log and details of a periodic review of the noise management plan. Policy SD1, within its list of criteria for sustainable design requires new development does not contribute to, or suffer from, adverse impacts arising from noise The

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

submission of a noise/site management plan and 'site rules' are common on accommodation facilities where the 'USP' is a tranquil relaxing stay in a countryside location. The area currently has no controls in place to manage who enters the site and does suffer from anti-social behaviour and there are signs of vandalism. Crime, fear of crime and anti-social behaviour can all have negative impacts upon community wellbeing and the quality of life. This proposal has the potential to assist in reducing this anti-social behaviour by promoting a safer and more attractive environment.

- 6.56 The closest neighbouring dwellings are located to the west of the site and the proposals have been assessed by the Council's relevant Environmental Health Officers (EHO) who advise from a noise and nuisance perspective and have not raised any concerns regarding the demolition of the ballroom nor the erection of 5 residential dwellings near the site entrance. However, in respect to the holiday lodges they have highlighted in their comments that the site is adjoined by residential property on 3 sides, including a care facility close to the western boundary. Officers have advised they have no objection but have recommended additional mitigation to bolster the existing mitigation which is detailed on the plans in the form of soft planting and landscaping in the form of an acoustic barrier. This barrier to be erected along the western site boundary and have also as advised above requested the submission of noise management plan. The noise management plan as part of the application is would address the essentials for noise control and minimisation of noise nuisance to neighbours. To ensure in the longer term, adjoining residential amenity, a condition for the Noise Management Plan supplied to be subject to a documented review on at least a yearly basis is recommended so to ensure its anticipated suitability remains and it actively does what it is supposed to do.
- 6.57 The proposed development is likely to generate impacts during its construction phase as a result of noise and vibration. There would also be increased traffic movements associated with the construction phase. Both construction traffic and noise/vibration would be temporary and shall be controlled through best practice guidelines which includes conditions securing agreement of a Construction and Environmental Management Plan to cover the build phase and will detail amongst other matters, permitted hours of construction and other such protection to local residents and environment.
- 6.58 In terms of traffic movement during operation, the neighbouring site is a retail use under the same ownership and it is noted the proposed use would represent an intensification on this part of the site, but it is not likely to be significant form a noise perspective.
- 6.59 There is the potential for light pollution as a result of the proposals. This however is to be managed through a sensitively designed lighting scheme controlled by condition and is not considered to present significant effects on the surrounding environment. Subject to precise specification these will be acceptable in principle with regards to ecology as demonstrated on other developments around the county and as agreed and supported by the Council's Ecologist. It is again noted no such lighting controls cover the site and as such there will be further betterment from the proposal with regards to this aspect.
- 6.60 Overall it is considered the proposal will have no significant impact on amenity of adjoining residents or the locality. As such policies SD1 is satisfied along with the relevant requirements of NPPF paragraph 130 and 185.

## **Ecology**

- 6.61 Policy LD2 of the Herefordshire Local Plan Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy LD2 states Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status
2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. creation of new biodiversity features and wildlife habitats.

6.62 The advice in Chapter 15 of the NPPF, Conserving and enhancing the natural environment, reinforces this, stating promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. The application submission has been supported by an Ecological report carried out by Pure Ecology in which extensive surveying and assessment has been undertaken. An Arboricultural Assessment has also been undertaken. The ecology report has been reviewed by ecology officers and they have noted that while records for significant populations of multiple bat species exist for the local area - including roosting, foraging and commuting – the ecological assessment concluded that roosting bats are absent from the site. Similarly, the report indicated that other protected species are absent from the site. As such from supplied and available information, the Local Planning Authority has no reason to consider that there are likely to be any effects on ‘protected’ species from the proposed development. Although there are have no specific records for the site there it is evident that the site provides opportunities for foraging and commuting corridor for bats species. The trees on the site are protected and it is noted that even though existing habitats on site will be lost to make way for the development, these habitats are considered to have low intrinsic ecological value having resulted from the abandonment of management of the site and it is also noted that ecology report proposes mitigation and enhanced biodiversity which is supported by the ecology officer and they have requested that the recommendations in the Ecological Assessment report, including Biodiversity Net Gain enhancements should be secured for implementation by condition on any planning permission granted. Along with the new planting proposed as detailed within the Landscape section of this Report, the retention and integration of existing on site habitats with these proposals underpins the site wide landscape and ecological strategy.

6.63 The Ecology Officer has provided an updated consultation response to inform the HRA and as part of this response additional ecology comments were made which again confirmed that from the supplied and available information, the Local Planning Authority has no reason to consider that there are likely to be any effects on ‘protected’ species from the proposed development and an additional ecology condition was requested relating to the providing of a Construction Environmental Management Plan before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement. It is noted the concerns raised by Much Dewchurch Parish in regards to protected species on site but officers have assessed the proposal and , no ecology objection is raised to the proposed development and as such Core Strategy policies LD2, LD3 and SD4 are satisfied in this regard.

### **Habitat Regulations Assessment**

6.64 The application site is located within the catchment of the River Wye Special Area of Conservation (SAC) and as such a Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no likely effects upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for reviewed who returned a no objection response.

### **Landscape and Trees**

6.65 Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those

environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations. Core Strategy Policy LD1 deals directly with landscape and townscape and identifies proposals should:

- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
- Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

- 6.66 Policy LD3 of the Core Strategy relates to green infrastructure. Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives.
- 6.67 Core strategy policies RA6 and the wider economic development policies are underpinned by Policy LD1 of the Core Strategy Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also 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.
- 6.68 Both the Council's Landscape Officer and Tree officer has been consulted on the proposals. The site is not within or adjacent to an AONB. The application and proposal itself is underpinned by a Landscape and Visual Impact Assessment, which has assessed the direct effects of the proposal on landscape resources, and indirect effects on public perception of landscape arising from change to landscape character or as a result of visual impacts.
- 6.69 The Landscape and Visual Assessment has been reviewed by the landscape officer and informed their response and they confirmed that the LVA follows recommended guidance and covers all expected information. The landscape officer confirmed that the character of the site itself is a brownfield, previously development site with neighbouring residential and commercial uses. It is also agreed that the site has limited intervisibility with the wider landscape and is well contained by topography, vegetation and existing built form. The landscape officer has confirmed no objection to the principal of development on this site, where the key feature trees are shown to be retained and adequately protected in the long term.
- 6.70 The landscape Officer has visited the site and confirmed within their comments that the landscape character type falls between sandstone farmlands, principal wooded hills and principal settled farmlands as well as identifying that there is a public footpath MD13 which runs through the site and is part of the Herefordshire Trail long distance route as well Public footpath MD14 runs from the site to the south. Also they have confirmed that an area tree preservation order covers the site, giving protection to any trees present when it was made in 1955. The site also falls within the Bryngwyn un-registered park and garden but has changed significantly as since 1950 additional buildings and a warehouse have been constructed, together with the old ballroom and its associated hard standing. The site no longer has any parkland character, although the important mature trees are key landscape features.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

6.71 As part of the application both a tree survey and LVIA have been submitted and a landscape strategy drawing (see below).



Figure 10: landscape strategy drawing

6.72 The landscape officer confirms the submitted information demonstrates there are very limited views into the site. The elevation treatments and materials for both the lodges and dwellings are appropriate and in keeping with the character of the immediate context. The landscape setting and a planting plan providing a wide range of species to enhance the site. Existing boundary treatment is to be mostly retained.

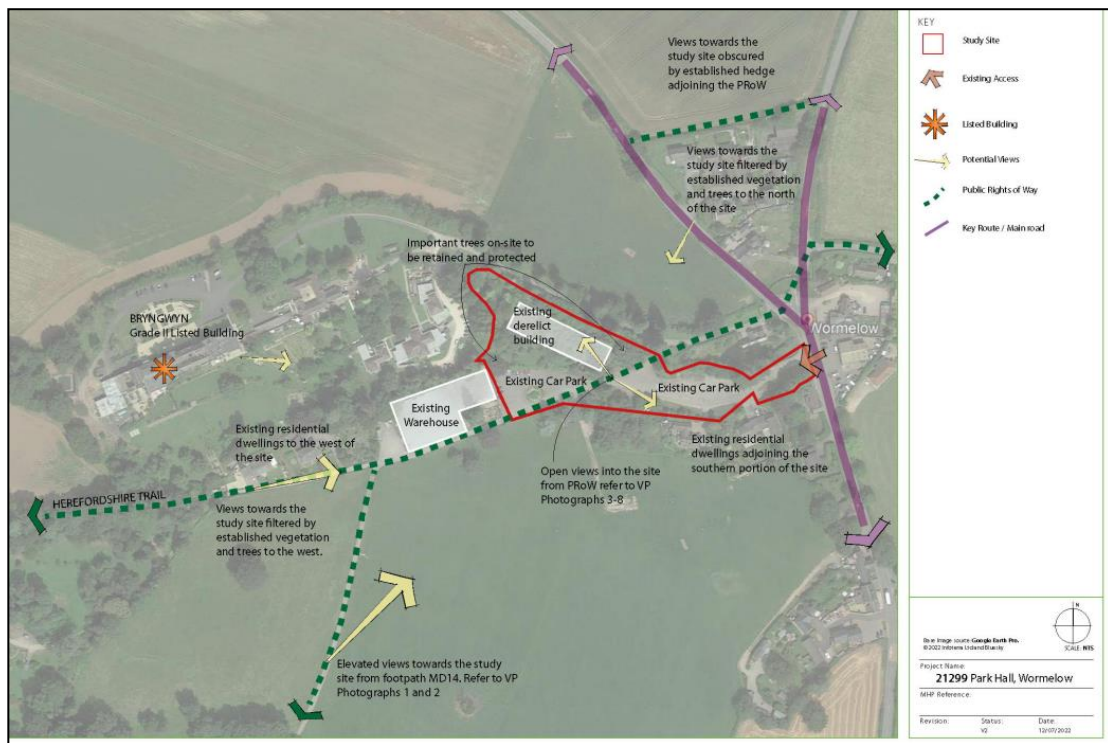


Figure 11: Area of the TPO designation

6.73 The site is covered by an entire TPO (Tree Preservation Order 06 'Bryngwyn Wormelow Tump') and this can be seen on the plan above within the shaded area. The TPO also covers outside of the application site and this includes the adjacent Bryngwyn Manor. The trees within the application site which are most prominent are the tall conifers including several 'Ginat Redwoods

or Wellingtonias that are very tall and can be seen on site and highlighted with the supporting Tree report approximately 40 metres in height. Being compliant with policies LD1, LD2 & LD3. The area TPO which was served in 1977 and the nature of the area TPOs means that only trees which were in existence at the time the order was made are protected. Because this order is now 44 years old it's likely there will be some ambiguity on as to which trees are protected. The site contains mature coniferous species, predominantly Giant Redwood. The tree officer has confirmed no objection subject to a condition to protect the root protection area.

- 6.74 In respect to the proposed site layout the landscape officer has confirmed the proposed site layout does not have a strong identity or sense of place and the lodges are relatively small and discrete in appearance, set within mature and new planting. The principals set out in the landscape strategy are appropriate. The small play area at the centre of the site should ideally not need to be separated by a hedgerow, as long as the adjacent road is safe, then this feature would sit more comfortably as part of a designed open central area, for seating and general community meeting point with a few natural play features incorporated. A new or reinforced mixed native hedgerow with trees along the southern site boundary would be welcome. This can be conditioned.
- 6.75 There are opportunities for enhancement with the removal of the derelict structures and buildings which currently form a detractor elements in the landscape. The group of proposed new dwellings will be located in the south eastern portion of the site and will be in keeping with similar residential development which is found in the wider study area.
- 6.76 The area of land to the west will become an area of timber holiday lodges on the land where derelict structures are currently located. Whilst the land use will change to one of holiday lodges and residential land, these land uses in conjunction with new landscaping would not be seen as in-congruous in this location or perceived as encroaching beyond the current site and immediate environs. The likely landscape effects therefore would be limited to predominantly the study site itself. Proposals afford opportunities for enhancement to the local character with the introduction of new native tree, and hedge planting which will assist in containing the proposals, filtering views and extending and augmenting existing landscape features.
- 6.77 Overall, it is assessed that the likely landscape effects of the proposed outline development will be localised and limited, with opportunities for landscape character enhancement with buildings currently in a poor/declining condition removed, and land redeveloped. New tree and hedgerow planting will assist in containing and distinguishing the domestic curtilage whilst providing visual amenity and increasing site green infrastructure proposed enhancement has been an inherent part of the landscape design to create an organic development set within the existing strong landscape framework. The siting of the new development seeks to retain key aspects of the study site (important site trees), maintaining the existing character of the local area. The proposed landscape strategy does retain the existing key site trees as well as introducing boundary vegetation to incorporate within the proposed development. The proposal also include new native tree planting throughout development as well as reinforce new property boundaries with hedge and tree planting to enhance landscape character . Provide a central natural area for recreation within the existing landscape fabric for informal recreation within a designated play space. New native hedge and tree planting within the site is also proposed.
- 6.78 The landscape officer has raised no objection in regards to landscape character and landscape schemes in line with LD1 and LD3 on green infrastructure. It is required that all new development should reflect the sense of place and integrate appropriately into the surrounding setting and requested that a conditions be added to secure a landscape strategy to be worked up in detail, with fully specified hard and soft plans and schedules as well as submission of a landscape management and maintenance plan.



**Figure 12 landscape strategy drawing as detailed within the LVIA (MHP Design)**

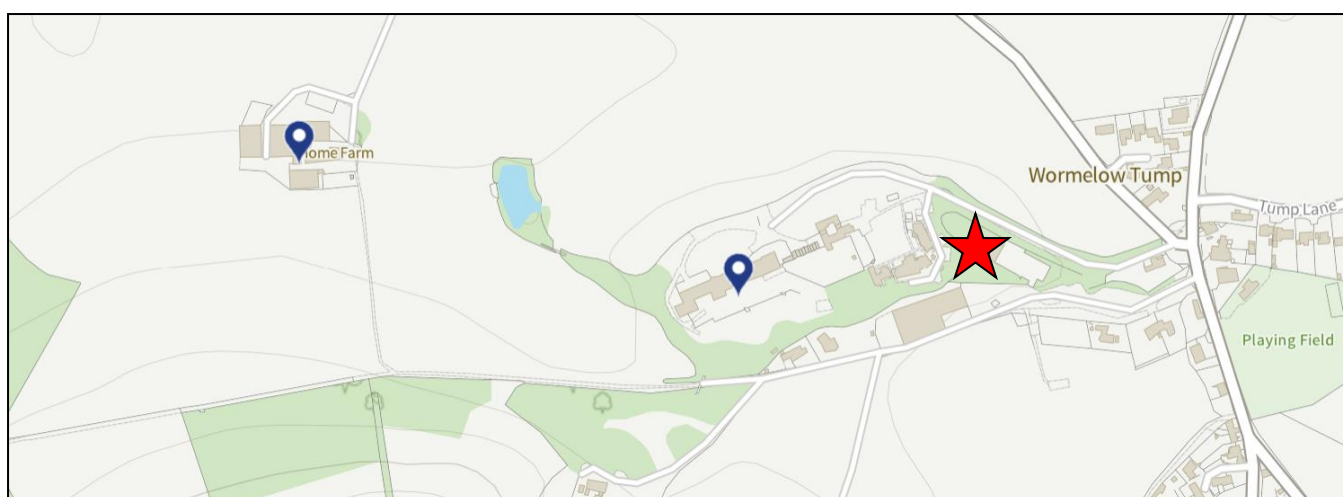
- 6.79 The submission of a 10 year management and maintenance plan as requested by the landscape officer will ensure long term establishment and ongoing needs of the landscaping.
- 6.80 Overall, the proposed development will result in some minor adverse impacts as a result of the construction process and during the first few years of the operational period in the short term. However, the sensitive site layout which works within the established landscape boundaries and appropriate landscape treatments, in conjunction with ecological management targets, will ensure there are no significant residual effects in the medium to long term.
- 6.81 As such in terms of overall impact, the development proposals will not be significant and, as planting matures, the development proposals will sit comfortably in the wider, well-wooded landscape. It is also considered there would be net betterment in landscape (and ecological) terms over the existing situation. It is concluded that, the development of this site in the form proposed would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1 and SD1 of the Herefordshire Local Plan Core Strategy, and landscape aims and objectives of the NPPF.

## Heritage

- 6.82 The Planning (Listed Buildings and Conservation Areas) Act 1990 states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.83 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character of appearance of that area.
- 6.84 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations.

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 6.85 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 6.86 When considering the impact of a development proposal upon the setting of a heritage asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.87 The site is not within a conservation area nor does it contain or adjoin any designated heritage assets. The nearest heritage assets is Bryngwyn which is located on the map below and is Grade II listed and was originally a house but now flats and was built in 1868 with later alterations and additions. Also there is a grade II listed barn about 20 yards west of Home farmhouse to the north west of the application site. The assets and their relationship with the application site, denoted by a red star are shown below.



**Figure 13 Heritage Assets drawing**

Website: source: [BRYNGWYN, Much Dewchurch - 1099676 | Historic England](https://www.historicengland.org.uk/monuments-sites/bryngwyn-much-dewchurch-1099676)

- 6.88 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 194 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.89 Paragraph 195 identifies Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 197 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of



heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.

- 6.90 The Framework then goes on to advise as to how to consider potential impacts. Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset is, the greater the weight should be). Paragraph 200 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 201 deals with considering proposals which would lead to substantial harm. Paragraph 202 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 203 relates to non-designated heritage assets and confirms 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 directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 6.91 As highlighted above the site is not within a Conservation Area and there are also no listed buildings within or immediately adjacent to the application site. The Grade II listed buildings known as Bryngwyn is located to the north west of the site. Officers are of the opinion it will not be affected by the proposal. Officers consider that the lodge house to the manor house at the site entrance can be considered to be a non-designated historic asset however will not be impacted by the proposed development. The Council's Building Conservation Officer has been involved in this application at pre-application and consulted on this application and they advised they had no objection on heritage grounds. Any impact of the development would be neutral as such in light of the assessments undertaken both within the design and access statement and by officers as part of the consideration of the heritage impacts of the proposals, the application is considered to accord with the listed legislative, policy and guidance with regards to the historic environment. On the basis of the intervening distances and topography and also taking into account the design of the proposals and mitigation proposed it is considered there is no new or detrimental impact on the character, appearance or setting of designated heritage assets from the proposal. As such Core Strategy policy LD4 and the conservation aims and objectives of the NPPF are satisfied.

## **Drainage**

- 6.92 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.93 The site is located in low risk Flood Zone 1 and the proposed development is less than 1 hectare, as such a Flood Risk Assessment is not required.
- 6.94 In regards to fluvial and surface water flood risk drainage officers have confirmed that the site is not located within an area at significant risk of surface water flooding. Also after a review of the Environment Agency's Groundwater map they have advised that the site is not located within a designated Source Protection Zone or Principal Aquifer.

- 6.95 In regards to Surface water drainage additional infiltration testing has been undertaken at the request of drainage officers and an acceptable average infiltration rate which all are acceptable for a surface water discharge to ground.
- 6.96 As detailed on the submitted plans two infiltration basins are proposed. Infiltration Basin 1 will be sited on the eastern side of the site (TP02) and is proposed to serve all 5 proposed dwellings, 2 holiday lodges, the reception building and the main road across the site. Infiltration Basin 2 will be sited on the western side of the site (TP03) and is proposed to serve the remaining 13 holiday lodges. As highlighted within the drainage officer comments both of these basins have been sized to accommodate a 1 in 100yr + 40% CC event using the infiltration rates obtained from the respective trial holes, stated above. Infiltration Basin 1 is also proposed to have an infiltration trench (comprised of a 300mm perforated pipe in a gravel trench) in the base to provide additional storage volume. The required volume for Infiltration Basin 1 and Basin 2 and the infiltration trench for Basin 1 as advised by the drainage officer has more than sufficient storage.
- 6.97 The proposed access track to the holiday lodges will also be constructed of permeable gravel which will help to facilitate infiltration. The main road across the site will be impermeable and this will be drained via numerous gullies to Infiltration Basin 1.
- 6.98 Specifically in regards to the private surface water pipework within the proposed dwellings plots these will be owned and maintained by the respective homeowners unless they appoint their own management company. Infiltration basin 1 will be maintained by a management company funded by all 5 homeowners and the holiday lodge company. All private surface water pipework serving the holiday lodges and infiltration basin 2 will be owned and maintained by the holiday lodge company and the appointed management company.
- 6.99 In regard to is foul water drainage Welsh Water have confirmed that capacity exists within the public sewerage system to accommodate the additional foul flows associated with the proposed development. A gravity fed discharge from all 5 dwellings, 15 holiday lodges and the reception building is proposed. Three connection points will be constructed due to the sloping topography of the site and a gravity fed discharge will be achieved. The foul pipework between the holiday lodges will remain private. We understand that this will be owned by the holiday lodge company and maintained by an appointed private management company. For the proposed dwellings, the foul pipework within the private plots will remain private and will be owned by the respective homeowners. The rest of the foul pipework within the road and across shared land is to be adopted.
- 6.100 Welsh Water as the statutory consultee have made comments and this includes commentary in regards to potable water supply and have highlighted that that the water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The provisions of Section 45 of the Water industry Act 1991 apply and request that a condition to control the delivery of any required reinforcement works by way of planning condition. Welsh Water, as the statutory consultee have been consulted and have raised no objection to the proposal however have recommended conditions and advisory notes. As such, officers would conclude that the application aligns with both Core Strategy policies SD3 and SD4.

## **Other Matters**

- 6.101 The adjacent retail unit which was occupied until very recently by Simply Stunning is located outside the application site. This building was the former bowling building. This building as identified by the blue line on the site location plan is owned by the applicants and has an undefined parking area on existing hard standing. A new parking area is proposed with 20 spaces and additional landscaping. The delivery vehicles and staff will continue to park to the rear of the

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

building which lies outside the site. A public footpath currently runs through the centre of the site along the existing driveway. The scheme has been designed to accommodate this route and there are no proposed changes required. The loss of this retail facility is not a consideration within this application. The applicant has submitted comments which has confirmed that Simply Stunning is leased and is in the applicant's ownership. Notwithstanding the fact the premises known as Simply Stunning has now closed retail or commercial units in close proximity to the application site should benefit from additional footfall from the proposal.

## Waste - Refuse and Recycling

6.102 A dedicated refuse collection point is shown within the submitted site plan, but a condition has been attached to this recommendation requiring refuse and recycling arrangements to be confirmed prior to occupation.

## Housing mix and affordable housing

6.103 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is for 5 and therefore there is no requirement for its provision. Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites, such as this will be expected to:

1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
2. *provide housing capable of being adapted for people in the community with additional needs; and*
3. *provide housing capable of meeting the specific needs of the elderly population by:*
  - *providing specialist accommodation for older people in suitable locations;*
  - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation. .*

6.104 Policy H3 of the Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Herefordshire Local Housing Market Assessment (available on the Council website) details the affordable and open housing market requirements across the County. The market housing required within the Ross on Wye Housing Market Area can be found below:

	Ross on Wye	1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
HMA	Market	5%	25%	50%	20%
	Affordable home ownership	20%	40%	35%	5%
	Affordable rented housing	40%	30%	25%	5%

**Figure 14: Housing market area figures (Iceni report July 2021)**

6.105 The Herefordshire Local Housing Market Assessment (available on the Council website) details the affordable and open housing market requirements across the County. The market housing required within the Ross Housing Market Area (and more specifically for 'Ross Rural' where the site lies) can be found below: The Housing Market Assessment demonstrates that the majority of demand over the plan period is for 3 bedroom dwellings, there is also a relatively high demand for 2 bedroom dwellings as well. Demand for larger 4+ bedroom dwellings reduces significantly to around 5%. Given the mix of housing units provided, which includes the provision of smaller units it is considered the proposal accords with Core Strategy H3. The proposal is only for a 5 units and policy H3 does not restrict the development of 3, 4 and 5 bedroom dwellings and there

is an identified need for such dwellings. Overall given the positively worded nature of these policies Officer's do not identify conflict. It is also noted that the scheme has been amended to include 3 bedroom units so given the mix of housing units provided, which includes the provision of 3 bedroom units it is considered the proposal accords with Core Strategy H3.

### **Open Space Provision**

6.106 Policy OS1 and OS2 of the Core Strategy require the provision of open space for new dwellings. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, the small scale development that provides private garden areas and is in close proximity to access to open countryside would not be expected to provide on-site play / open space provision and officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy. Although, it is also noted that there is a small play area provided within the holiday lodge site.

### **Planning Obligations**

6.107 Core S Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations satisfy all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

6.108 As this development is for less than 10 dwellings then there is no requirement for contributions and thus compliant with the CIL Regulation.

### **Climate change**

6.109 Core Strategy policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

6.110 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the framework). The NPPF sets out at paragraph 110 that Local Planning Authorities in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change. As such a condition has been added for the provision of electric vehicle charging points so that this provision is available for future residents.

## **Demolition:**

- 6.111 The demolition of the existing structures on site which are unsafe or otherwise uninhabitable, on site has been applied for as part of this application. Appropriate conditions have been added to manage the demolition and removal of waste from the site as well as to protect wildlife/protected species.

## **Non material planning considerations**

- 6.112 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations.
- 6.113 It is acknowledged that a number neighbours have made reference to having access rights across the site. The granting of planning permission does not override any rights of access and is a civil matter.
- 6.114 Within the representation received a neighbour commented that proposal has trees indicted on their land, however the granting of planning permission does not give permission for the applicant to access this property without permission. When looking at the submitted plans it is not evident that any of the proposed planting is on anyone else's land/property other than the applicants.

## **Conclusion**

- 6.115 Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Herefordshire Local Plan – Core Strategy. The application seeks full planning permission for the erection of 15 lodges and 5 detached residential dwellings and the demolition of the existing park hall (derelict) building. The application site is located in a sustainable location. It is located on brownfield land and immediately adjacent to services and facilities available within the settlement of Wormelow within the Parish of Much Dewchurch. Wormelow contains a range of services such as a shop, museum, cricket club, a public house and public transport links are available. Whilst it can be acknowledged that the users of the holiday let would only reside within the area on a temporary basis and therefore have less dependency upon the services within the village, it is still considered that the occupiers of the holiday let would still need access and provide some support to these services.
- 6.116 Furthermore, the proposed development would provide residential accommodation in the form of 5 dwellings. The proposals also include a small element of employment and the introduction of additional residential population within the village, making a contribution to the local economy.
- 6.117 In respect of the scheme, the Local Highway Authority, Lead Local Flood Authority, Welsh Water, Landscape Officer Ecology Officer, Tree Officer, Historic Buildings Officer and Environmental Health Officers raise no objections to the scheme.
- 6.118 Policy SS1 of the Core Strategy reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.
- 6.119 The impact on the nearby listed building and the unregistered parkland has been assessed in the LVIA accompanying the application and this concludes that the development of the former Park Hall Ballroom and the former bowling alley now used as a retail unit and the associated gravel hard standing has eroded the value of this part of the unregistered parkland over time. As such the impact of the proposal is considered to have less than substantial harm to the setting of both

the listed building and the unregistered parkland. The proposal will enable more sustainable patterns of activity through providing tourism facilities that enable use and enjoyment of the countryside as a resource through being located in an undesignated landscape area, with no impact on heritage assets, and with ready access onto an A class road.

6.120 The proposal forms redevelopment of an existing brownfield site which features unrestricted tourism and new housing and other facilities and as such enables controls to be brought in which represent enhancement to amenity. The landscape planting represents landscape and biodiversity and habitat gains which are significant and beneficial over the existing situation. The demolition of the unsafe and derelict park hall building will be a significant benefit. Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal.

6.121 In conclusion, when taking into account all of the considerations in respect of the proposals, the recommendation is to permit the application subject to various conditions which are listed below:

## **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:**

### **General**

#### **1 Time limit**

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

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

#### **2 Approved drawings**

**The development shall be carried out strictly in accordance with the approved plans**  
**Location Plan:**

- **Location Plan (1:1250)**
- **Visibility splay drawing: Dwg RHC-22-104-01 Rev C**
- **House Type C Dwg 7731/105 rev A**
- **House Type D: Dwg 7731/106**
- **Revised site plan: Dwg 7731/102 rev C**
- **Landscape strategy drawing: DWG 21299.101**
- **Arb Impact Plan sheet: Dwg: HR28JN/BLA/AIP-E**
- **Arb Impact Plan sheet : Dwg: HR228JN/BLA/AIP-W**
- **Arb constraints Plan: Dwg: HR28JN/BLA/ACP**
- **Proposed elevations Lodge Type A: Dwg: 7731/103**
- **Proposed elevations Lodge Type B: Dwg: 7731/104**
- **Site Plan layout: Dwg: 7731/102 Rev B**
- **Proposed reception building and elevations: Dwg 7731/107**
- **Drainage Design 1 of 2 (Ref: 0201 P09);**
- **Drainage Design 2 of 2 (Ref: 0202 P09)**

**except where otherwise stipulated by conditions attached to this permission.**

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

### **Prior to commencement conditions**

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 3 Prior to first commencement of the use hereby permitted, an acoustic barrier must be erected along the western site boundary. Details of which to be provided to and agreed by the LPA prior to barrier works commencing.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 Prior to first commencement of the use of the Holiday Lodges hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following headings:

- a) statement of intent
- b) a brief summary of the premises / site / activities
- c) a location / site plan
- d) an inventory of potential noise sources
- e) details of noise controls and limits (e.g. site rules)
- f) site noise monitoring and / or evaluation
- g) responding to complaints (including actions to be undertaken and recorded)
- h) management command, communication, and contact details
- i) periodic NMP review.

The use shall be implemented and carried out in accordance with the approved Noise Management Plan thereafter.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Tree root protection

- 5 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site details regarding trenchless work within the Tree Root Protection Areas shall be supplied to the Local Planning Authority for written approval. The approved details shall be implemented and remain in place until all work is complete on site and all equipment and spare materials

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### Waste removal/Material resource audit

- 6 Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);

- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

**Reason:** This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework

#### **Construction Environmental Management Plan**

- 7 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified ‘responsible person’, shall be supplied to the Local Planning Authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

#### **Construction Management Plan**

- 8 Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period. The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) **Construction Traffic Management Plan** The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

**Reason:** This is required pre-commencement in the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, SS6, LD2, LD3 and MT1 of the Herefordshire Local Plan Core Strategy 2011-31 during construction.



## **Contamination**

**9 No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.**

**The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.**

**Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

## **Other stage conditions**

### **Materials**

**10 With the exception of site clearance and groundwork, no further development shall take place until samples of the materials to be used externally on walls and roofs for the dwelling houses, holiday lodges and reception building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

### **Electric vehicle charging points**

**11 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework**

### **Landscape scheme**

**12 With the exception of site clearance and groundworks, no further development shall commence until a landscape strategy/scheme with hard and soft landscaping details has been submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.
- e) Phasing delivery plan

The landscaping scheme shall be implemented in accordance with the approved details and shall be completed prior to the first occupation of phase of the development.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

#### Highway works

- 13 Development shall not begin in relation to any of the specified highways works until details of the provision of a crossing point on the B4348 been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority.

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

#### Prior to occupation of development

##### Refuse/Recycling

- 14 Prior to occupation of the dwelling houses and holiday lodges, refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

##### Water Efficiency

- 15 Prior to the occupation of the development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation.

Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the

National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

**Landscape Maintenance**

- 16 Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

**Travel Plan**

- 17 Prior to the first occupation of the first holiday lodge hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

**Contamination**

- 18 The Remediation Scheme, as approved pursuant to condition no. 9 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Car parking**

- 19 Prior to the first occupation of any lodge to which this permission relates an area for car parking shall be laid out within the curtilage of the lodges and the general car parking area, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy

**Cycle parking (holiday accommodation)**

- 20 Prior to the first occupation of the holiday lodges hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities with the parking

area and for the holiday lodges shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Cycle parking (dwellings)**

- 21 Prior to the first occupation of the first dwelling hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Parking**

- 22 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Driveways**

- 23 Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8.

Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## Compliance

### Visibility splays

- 24 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

### Vehicular Access

- 25 The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### Potable Water

- 26 No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

**Reason:** To ensure the development is served by a suitable potable water supply.

### Surface Water

- 27 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**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

### Surface Water

- 28 All surface water shall discharge through a suitably sized soakaway-infiltration system in combination with an infiltration basin as indicated in drawings drawing design 1 of 2 (Ref: 0201 P09); and drainage design 2 of 2 (Ref: 0202 P09). Works shall be completed prior to the first occupation of the development hereby permitted.

**Reason:** In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

#### **Foul Water**

- 29 All foul water, created by the development approved by this permission shall discharge through connection to Much Dewchurch mains sewer system managed by Welsh Water.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

#### **Drainage**

- 30 The development shall be carried out in accordance with the approved details as submitted relating to the proposed surface water and foul water drainage arrangements:

- Drainage Design 1 of 2 (Ref: 0201 P09)
- Drainage Design 2 of 2 (Ref: 0202 P09).

The development shall be implemented in accordance with the approved details and be completed prior to the first occupation.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Landscaping**

- 31 All hard and soft landscaping (planting, seeding or turf laying) in the approved in the full landscape scheme required by condition 12 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### **Hours of construction**

- 32 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside following hours:

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)

No working permitted on Sundays or Bank Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

#### **Lighting**

- 33 The recommendation with respect to lighting detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.

**Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.**

**Ecological protection**

- 34 The ecological protection and working methods scheme, including all biodiversity net gain and habitat enhancements and management as detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.**

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

**Reception building**

- 35 The reception building hereby approved shall be set out and thereafter retained as shown on the plans, primarily for management purposes in association with the holiday lodges only and not be used as residential tourism accommodation.**

**Reason: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**Holiday lodges**

- 36 The tourist accommodation (holiday lodges) hereby approved shall only be occupied for holiday purposes, in accordance with the following terms:**

- a) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification).**
- b) Occupation of the tourist accommodation shall not exceed a continuous period of 30 days.**
- c) The tourist accommodation shall not be occupied as a person's or persons' sole or main place of residence.**
- d) The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address//and telephone and/or email contact details, the purpose of their stay, and the dates of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.**

**Reason: To prevent unrestricted residential development, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and not to introduce permanent residential accommodation within the units hereby permitted or over the site, in the interest of highway safety, sustainability, local amenity and environmental considerations and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

### **Contaminated land**

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

**Reason:** In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **INFORMATIVES:**

- 1** 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](http://www.dwrcymru.com)
- 2** 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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 3** In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.
- 4** It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 5** This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works



in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
- 7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement. I47 – Drainage other than via highway system
- 8 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.
- 9 In connection with Condition 17 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ

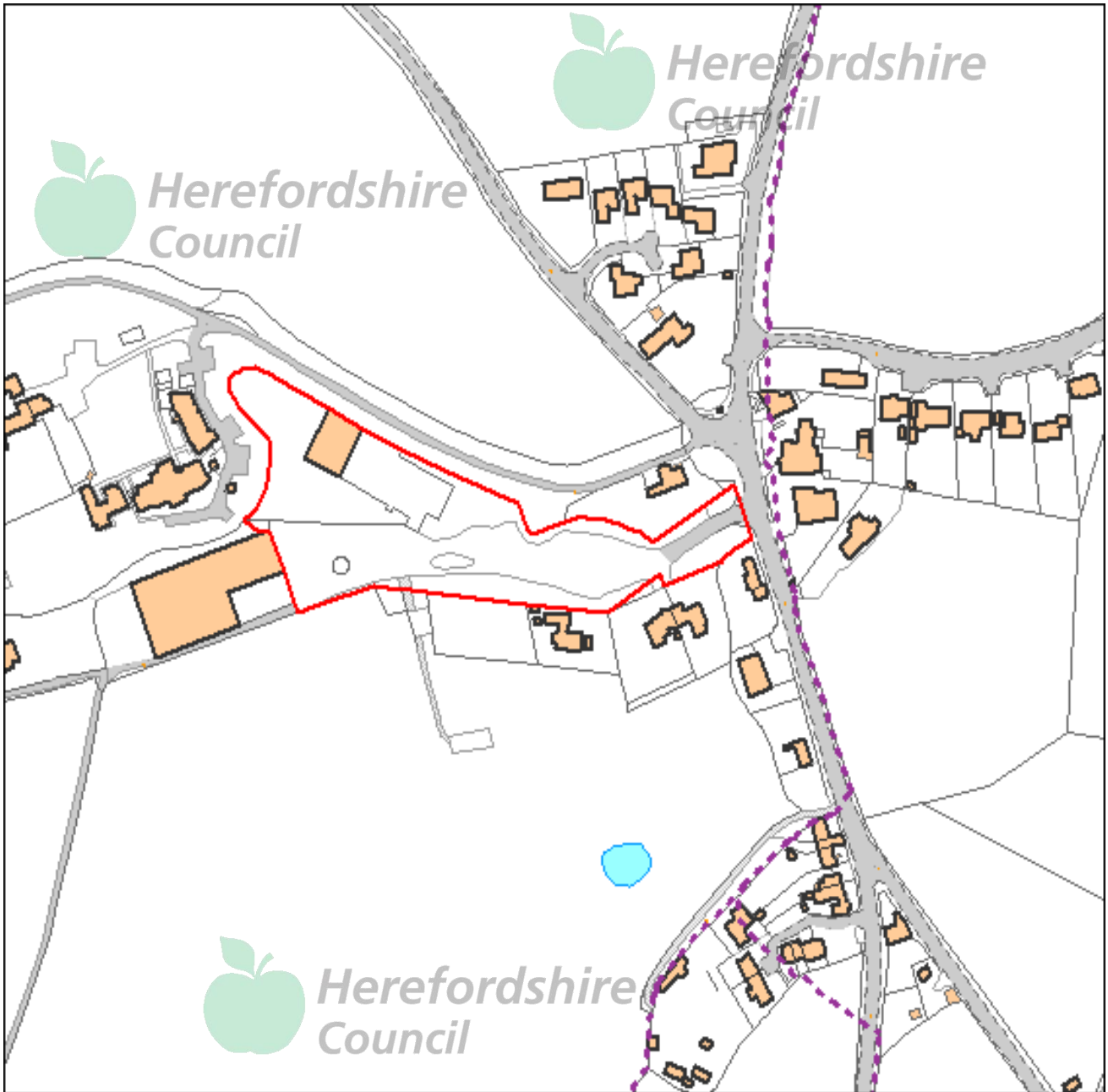
Decision: .....

Notes: .....

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### **Background Papers**

None identified.



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**APPLICATION NO:** 222687

**SITE ADDRESS :** PARK HALL, WORMELOW, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 December 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>233071 - PROPOSED NON-MATERIAL AMENDMENT TO 232181 (PROPOSED SINGLE STOREY GARAGE INCLUDING GARDEN ROOM/HOME OFFICE) - TO ALLOW REDUCED ROOF PITCH AND CHANGE OF ROOF FINISH AND STONE GABLE WALL TO WEST ELEVATION (AND RETURN ON SOUTH ELEVATION) AT ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HR6 0LG</b></p> <p><b>For: Mrs Brown per Mr Nick La Barre, Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire HR1 4JY</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233071&amp;search-term=233071">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233071&amp;search-term=233071</a>
<b>Reason Application submitted to Committee – Council employee relation</b>	

Date Received: 16 October 2023

Ward: Hampton

Grid Ref: 352068,256601

Expiry Date: 22 December 2023

Local Member: Cllr Bruce Baker

## 1. Site Description and Proposal

- 1.1 The application site relates to a two storey dwelling in the village of Stoke Prior. The dwelling is constructed of board, stone and brick walls, interlocking tiled roofing and uPVC framed windows and doors and lies within a generous plot and is set back from the roadside. There are mature hedgerows along the boundary line adjacent to the road and to the East which largely screens the dwelling from the roadside and neighbouring dwellings.
- 1.2 The proposal seeks a non-material amendment to application 232181 (Proposed single storey garage including garden room/home office). The application seeks to reduce the pitch of the roof and change the proposed material of the roof from tiles to a Zinc, standing seam roof in an anthracite colour.

## 2. Policies

### 2.1 NPPF

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment

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 Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

## 2.2 Herefordshire Council Local Plan – Core Strategy

SS1 – Presumption in favour of sustainable development  
SS6 – Environmental quality and local distinctiveness  
E3 – Home working  
LD1 – Landscape and Townscape  
LD4 – Historic environment and heritage assets  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

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

## 2.3 The Humber, Ford and Stoke Prior Neighbourhood Development Plan

A referendum for voters within the Humber, Ford and Stoke Prior Neighbourhood Area was held on the 28 July 2016 and passed. The Humber, Ford and Stoke Prior Neighbourhood Development Plan is therefore part of the statutory development plan.

HFSP1 – Promoting a sustainable and thriving community  
HFSP8 – Design criteria for housing and sites  
HFSP12 – Developing and supporting local businesses

## 3. Planning History

<b>Application number</b>	<b>Description</b>	<b>Decision</b>
P200765/FH	Proposed single storey side extension and porch canopy.	Approve with conditions
P202180/AM	Proposed Non-Material Amendment to planning permission 200765/FH. Change of external material of extension from boarding to render for better visual effect.	Refuse
P202355/FH	Proposed single storey side extension and porch canopy.	Approve with conditions
P220753/AM	Proposed non-material amendment to planning permission ref 202355 – Re-positioning of proposed porch canopy and slightly larger extension.	Approve
P230076/FH	Proposed detached garage to include garden room with home office above.	Approve with conditions
P232181/FH	Proposed single storey garage including garden room/home office	Approve with conditions

#### 4. Officer's Appraisal

- 4.1 An amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to approve an application under section 96A of the Town and Country Planning Act 1990. With the principle of development being established, it is only the amendment that is to be assessed.
- 4.2 The changes proposed here reduce the overall height of the building and change the external material of a small portion of the building. Visually there would be an inevitable change in the appearance of building, however when taken as a whole the changes are considered appropriate and would not result in any discernible impact upon the scheme. They reduce the overall impact of the building by virtue of the amended roof pitch and the proposed change in materials are unlikely to be obvious to members of the public given the position of the approved building. As such, the changes are considered to be non-material.
- 4.3 The proposed changes are considered non-material within the meaning of Section 96 of the Act. The application is therefore recommended for approval.

#### RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 231219 – 21) and the schedule of materials indicated thereon.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### INFORMATIVES:

- 1. **This decision notice, which should be read in conjunction with 232181/F, is for a non-material amendment to the original planning permission. Except where any conditions are detailed on this notice it does not vary the original planning permission in any other way.**

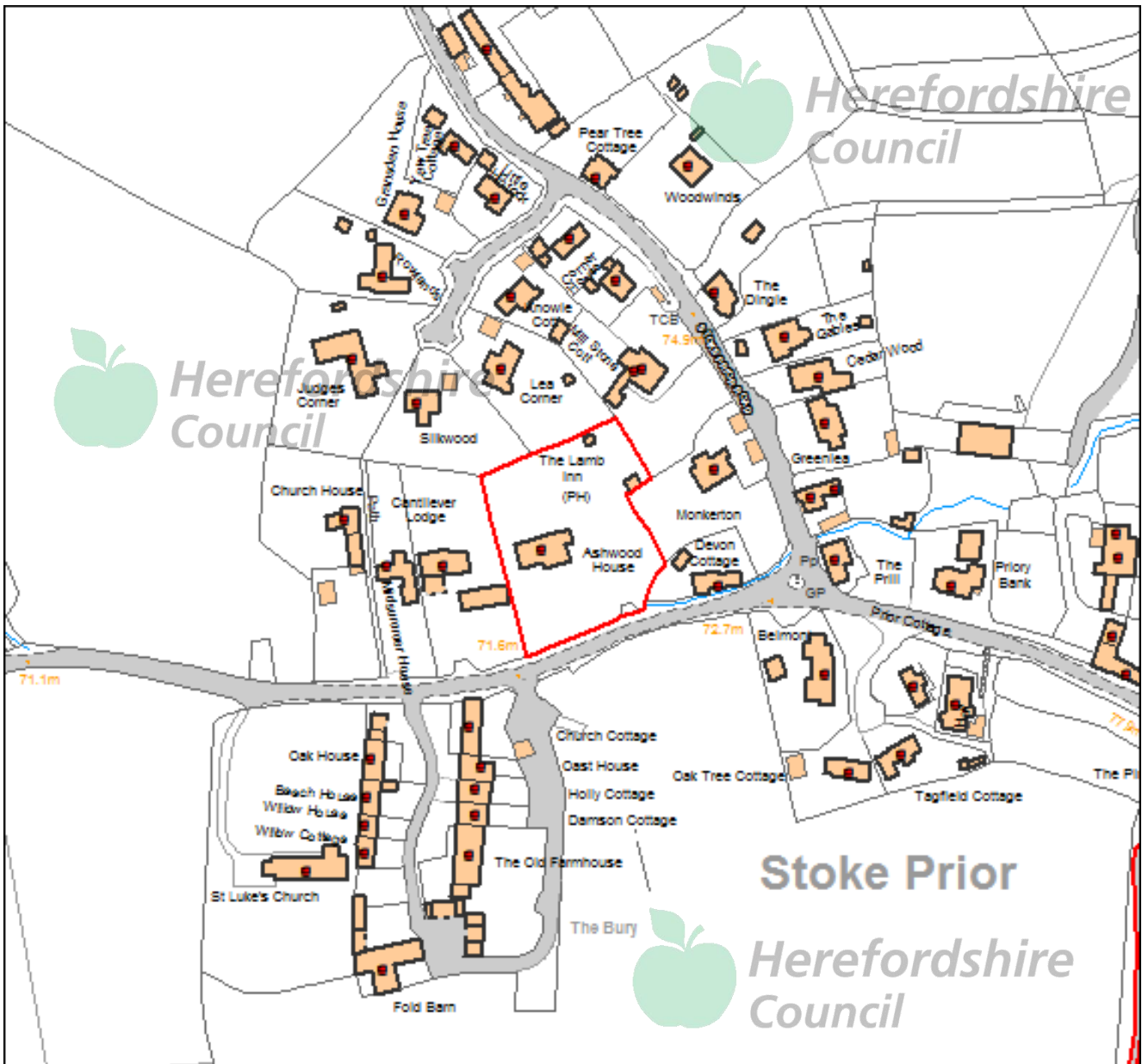
Decision: .....

Notes: .....

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#### Background Papers

None identified.



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**APPLICATION NO:** 233071

**SITE ADDRESS :** ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

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Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>22 November 2023</b>
<b>TITLE OF REPORT:</b>	<b>232089 - PROPOSED ERECTION OF LIVE-WORK UNIT FOR OCCUPATION BY APPLICANT AND HIS FAMILY IN CONJUNCTION WITH ADJOINING WORKSHOP. AT SHEEPCOTE, ST OWENS CROSS, HEREFORD, HR2 8JU</b>  <b>For: Mr &amp; Mrs Campbell per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232089&amp;search-term=232089">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232089&amp;search-term=232089</a>
<b>Reason Application submitted to Committee – Councillor relative application</b>	

**Date Received: 6 July 2023**  
**Expiry Date: 31 August 2023**  
 Local Members: Cllr Toni Fagan

**Ward: Birch**

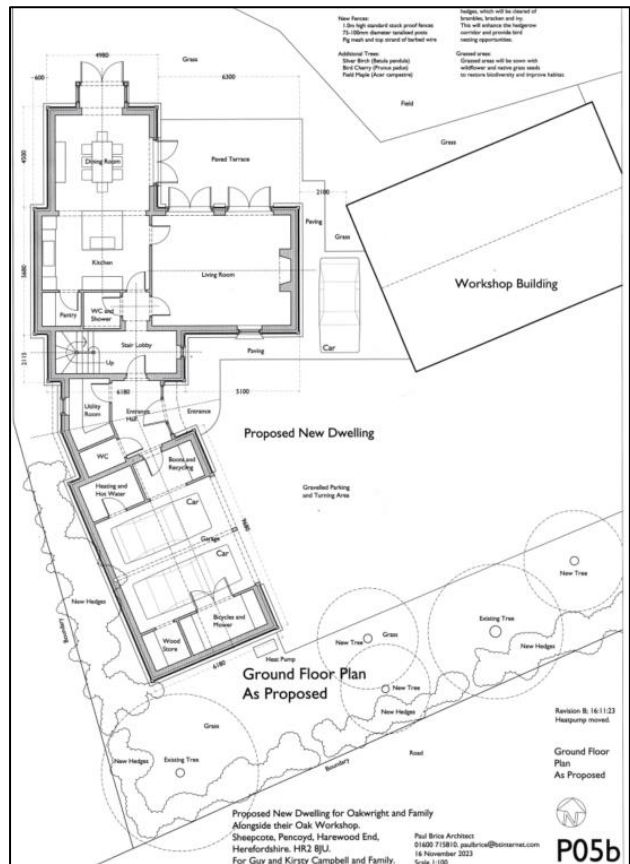
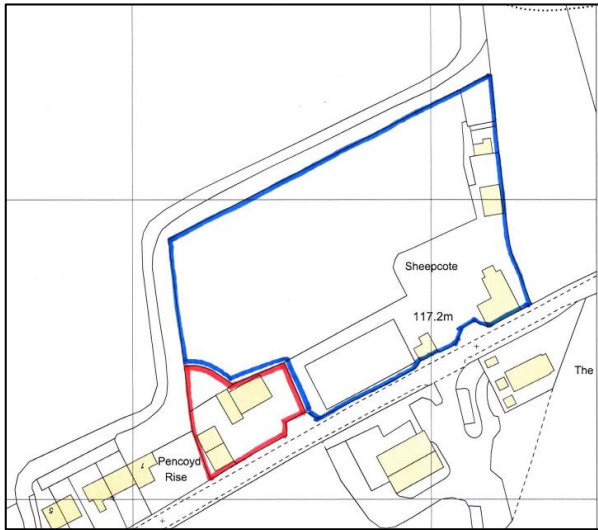
**Grid Ref: 352037,226126**

## 1. Site Description and Proposal

- 1.1 The application relates to a Site is situated to the north of the C1234, which leaves the A49 1.2km to the north-east. Access is taken from the C1234 on to an area of hardstanding and the joinery workshop which measures 12m by 8m with a height to the ridge of 5.4m. There are outbuildings against the western boundary beyond which there are three dwellings known as Pencoyd Rise, a pair of dwellings approved in connection with the adjoining soft fruit business via 190001/F and a further agricultural worker's dwelling approved under DCSW2006/1689/O.
- 1.2 The application seeks permission for the construction of a detached dwellinghouse located on the site of existing temporary buildings and container, to the west of the existing workshop building. The proposed development would be a 4 bedroom dwelling over two storeys with an adjoining single storey garage/store to the south. The dwelling would be constructed of rubble sandstone wall plinths with horizontal boarding above under dark grey slate roof. Extracts of the location and site plans are inserted below.
- 1.3 The application is also supported by the following reports:
- Planning, Design and Access Statement – Tompkins Thomas (July 2023)
  - CONFIDENTIAL Account information
  - Existing and proposed plans
  - Additional Drainage clarification (10/8/23)

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy 2011 – 2031(CS)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA6 - Rural economy
- E3 - Home working
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

The Herefordshire Local Plan 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)



## 2.2 Llanwarne and District Group Neighbourhood Development Plan (NDP)

The Neighbourhood Development Plan is at drafting stage and is therefore not afforded any weight in decision making.

<https://www.herefordshire.gov.uk/directory-record/3080/llanwarne-and-district-group-neighbourhood-development-plan>

## 2.3 National Planning Policy Framework (NPPF)

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
9. Promoting sustainable transport
11. Making Effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

## 3. **Planning History**

3.1 DS031253/F - Removal of derelict buildings and replacement by one single building. – Refused

DS041094/F - Remove derelict buildings and replace with a new workshop – Refused

DS080112/F - Proposed new entrance to property. – Approved with conditions

S110954/U - Proposed Certificate of lawfulness for an existing use. Use of site for storage in association with existing business. – Approved

S112580/F - Retrospective planning for 2 workshops and 2 storage containers for the existing building business. – Refused

S122419/F - Construction of a new workshop. – Approved with conditions

## 4. **Consultation Summary**

### Statutory Consultations

4.1 **Welsh Water – No objection**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Since the proposal intends on utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

### Internal Council Consultations

#### 4.2 **Ecology – No objection with conditions**

The proposals seek to construct a residential dwelling adjacent to the applicants existing workplace. Daily movements are currently experienced to the site and therefore it is not considered that the proposals will materially impact on the operation and / or safety of the existing access.

The site plan includes for sufficient car and cycle parking on site as well as a turning area for vehicles.

The local highway authority therefore have no objections to the development proposals subject to the following conditions.

1) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of cars in accordance with Drawing P05a as submitted as part of the planning application. This shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2) Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 4.3 **Trees Officer – No objection with conditions**

I have visited the site and have the following comments offering support for the application. The roadside boundary is made up of a Leylandii hedge and also includes two early mature Oak trees.

The hedge appears in good condition providing an effective screen. The Oak trees however look a little stressed due to constricted ground conditions surrounding them.

I notice there is a proposal to include new planting in this area that will aid in supplementing the existing canopy cover.

However the detail at this stage regarding new planting and protection of retained trees is minimal. Whilst I support the application I ask the following details are provided by condition:

CKB – Protection During Construction.

CK3 – Landscape Scheme (part C only)

#### 4.4 **Ecology – Objection**

The application site lies within the catchment of the River Wye SAC and lies within the hydrological catchment of the River Wye SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

The site lies within the River Wye SAC and Natural England must be formally consulted in relation to the triggered Habitat Regulations Assessment.

Notes in respect of HRA:

The proposal is for a live-work dwelling.

- The proposal taken from the application form is to connect to a non-mains package treatment plant.
- There will be additional foul connection proposed on the site.
- The proposed development creates additional overnight or new residential accommodation.
- There is additional surface water likely to be created as the proposed development will change the existing non-permeable surface area for the site.

No information has been provided in regards to the non-mains fowls connection and if this will be connecting to an existing system and if it has the capacity to deal with added flows, or if it will be making use of a new system and appropriate drainage testing for a drainage field. We require further information in regards to how fowls water will be managed and if a drainage field is suitable provided through appropriate drainage testing:

- If an existing system is to be used we need a drainage report to provide full details of this existing system including management of outfall and relevant calculations to provide certainty capacity exists to manage additional flows.
- If a new foul water system is proposed a drainage report including BS6297 testing, plans and specifications of proposed system should be supplied.

We also require:

- Confirmation that on-site infiltration can be achieved to manage additional surface water flows created.

This is to have certainty that there will be no effects on the integrity of the site and proceed with a Natural England consultation.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is also no certainty that the proposed development will not have an effect on the integrity of national nature conservation sites (SSSI) or local irreplaceable habitats. There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Notes in respect of ecology:

Data records show sightings of bats and a barn owl neighbouring the site (less than 200 m). However, as the site is a working site and no priority habitat is being lost as part of the proposed plans and in addition new hedges and new trees are to be planted we do not require any further ecology reports. We offer no further ecology objection but would require the following conditions to be carried forward.

Lighting

- a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c) No external lighting should illuminate any enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

To obtain Biodiversity Net Gain

Within 3 months of completion of the approved works, evidence of the suitably placed installation within the site boundary of two bird nesting boxes for a site appropriate range of bird species, two

Bat roosting features, one Hedgehog home and Reptile refugia should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

#### 4.5 Ecology Further Comments – No objection with conditions

The additional information supplied by the applicant in their additional drainage information in an email dated 10th August 2023 is noted and refers.

Just for clarity the EA General Binding Rules and Building Regulations are not considered any form of certainty in respect of the HRA process.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to “unfavourable declining” by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer)

#### Habitat Regulations Assessment

##### River Wye SAC-SSSI

- The proposal is for ONE new residential dwelling with associated additional-new foul water pathways created.
- There is an existing temporary mobile home located at this location to be replaced by the proposed new dwelling.
- There is no mains sewer system available at this location.
- The proposal is to manage all foul water flows through the existing private foul water treatment system serving the workshop and temporary mobile home located on the site.
- From information supplied the installed Package Treatment Plant discharges to a suitably precautionary sized (to allow for varying workshop flows) drainage field located on land under the applicant’s control in the field adjacent to the development site.
- The existing ‘temporary’ mobile home will be decommissioned and removed from site once the proposed new dwelling has been constructed and occupied.
- Any additional surface water created can be managed through onsite Sustainable Drainage Systems – local infiltration.

The agreed foul and surface water management and decommissioning and removal of existing temporary mobile home can be secured by condition on any planning permission granted

##### *Habitat Regulations (River Wye SAC) – Foul Water*

Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved under this permission shall discharge through connection a the existing private foul water system comprising of a package treatment plant discharging to a drainage field on land under the applicant’s direct control..

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’

(the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

*Habitat Regulations (River Wye SAC) – Surface Water*

Unless otherwise approved in writing by the planning authority, all surface water, created by the development approved under this permission shall discharge through an appropriately designed Sustainable Drainage System with local infiltration.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

*Habitat Regulations (River Wye SAC) – Foul Water*

Unless otherwise approved in writing by the planning authority, within THREE months of first occupation of the dwelling approved under this permission the temporary mobile home located on the site and connected to the existing foul water system shall be vacated, foul water system disconnected and the unit permanently removed from site.

Reason: To ensure foul water systems are not overloaded and In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

Wye Valley Woodlands SAC

- The site is within the 10km of the Upper Wye Gorge SSSI that forms part of the Wye Valley Woodlands SAC that has Horseshoe bat species as an additional identified feature,
- The development is not identified as affecting any potential bat roosting features – Horseshoe (or other bat species).
- As a brownfield site no additional loss of foraging habitat is identified as a result of the proposed development.
- Any significant additional external lighting associated with the proposed development could impact foraging and commuting activity of Horseshoe (and other bat species) known to be present in the locality.
- A condition to ensure any additional external lighting is minimised and wildlife friendly is requested to mitigate any potential effects from the proposed development.

*Protected Species and Dark Skies (external illumination)*

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

Subject to relevant conditions to secure the mitigation embedded within the project the LPA has certainty that there are no unmitigated nutrient pathways into the River Wye SAC-SSSI hydrological catchment and species associated with the Wye Valley Woodlands SAC, as a result

of the proposed development. The HRA appropriate assessment can be considered as being 'screened out' at Stage 1 and no formal consultation requirement with Natural England is triggered.

#### Other ecology comments (updated)

With lighting subject to controls through the required HRA process there are no identified effects on any local populations of protected species through the proposed development. No specific ecological working methods are necessary over and above statutory considerations by the applicant and their contractors as secured by the Wildlife & Countryside Act that is higher regulatory authority than the planning process. A relevant advisory note is requested on any permission finally granted.

#### *Wildlife Protection Informative*

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act and Core Strategy LD2 and in support of the council's declared Climate Change & Ecological Emergency, all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity – species potential of the area. To secure these enhancements a relevant Condition is suggested:

#### *To obtain Species Net Gain Enhancements*

Prior to first use of the first dwelling approved by this planning permission, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control (excepting Ash Trees) of a minimum total of TWO Bat roosting features and TWO bird nesting boxes (mixed types) and ONE hedgehog home (with hedgehog highways through all impermeable boundary fences), should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity (species) Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

## **5. Representations**

### **5.1 Third Party Representations**

18 Letters of support and 1 letter of objection have been received, these have been summarised below:

#### Support

- Affordable housing solution for a young local family to remain in community, Pencoyd has an aging population so families with children are needed in the area

- Sympathetically designed in keeping with surroundings
- UK does not deliver enough self builds and big companies have the resources to get through planning process
- Enable local family to continue their trade and supporting local rural business
- Aware of break ins experienced in the past and house next to workshop would discourage this
- Dedication to ensuring this project aligns with community desires and needs
- Ability to live and work in community are important for future of area
- Removal of old buildings improve the visuals of the site

#### Objection

- Original barn and storage (classed as temporary buildings) was refused retrospective planning in March 2012 – groundwork for this was built up by laying rubble and this elevation of ground height as well as height of proposed building must be considered with regard to the total height above 1 Pencoyd Rise
- Named a brownfield site but originally an orchard
- New housing is substantial with no discussion with 1 Pencoyd Rise as immediate neighbour
- Flora and fauna already damaged and proposal will exacerbate this and building have impacted light at neighbouring property given the boundary treatments
- Coniferous hedges no longer have bushy growth to the lower trunk so will not offer screening from the roadside
- Noise and fumes concern from air source heat pump
- Would support a sustainable proposal that maintained nature, light and sound for all and the border with 1 Penycoyd Rise requires attention

- 5.2 The consultation responses can be viewed in full on the Council’s website by using the following link:-  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=232089&search-term=232089](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232089&search-term=232089)

## **6. Officer’s Appraisal**

### *Policy context*

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



- 6.4 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.
- 6.5 Following survey work, the LPA can confirm that the Housing Land Supply as of April 2023 is 5.84 years. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.

### **Principle of Development**

- 6.6 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (p. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle.
- 6.7 The application site lies to the south of Pencoyd, a small hamlet which is not named as being sustainable for new residential development. The closest settlements identified under Policy RA2 are Harewood End approximately 1.1 km to the north east and St Owens Cross approximately 2.3 km to the south east. Noting the location of the site in relation to these settlements, the application site is considered to be located within an isolated, open-countryside location.
- 6.8 Of particular relevance is Paragraph 80 of the NPPF which states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply. This approach is followed through by Core Strategy policy RA3, supported by RA4 and RA5. Policy RA3 outlines the following rural exception criteria:
- 1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
  - 2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
  - 3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
  - 4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
  - 5. is rural exception housing in accordance with Policy H2; or*
  - 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*
  - 7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*
- 6.9 Addressing the above points' relevance to the current proposal in turn:

- Point 1 is not relevant owing to the fact the applicants business is neither substantially agricultural nor forestry;
- Point 2 is relevant in the first instance as the dwelling accompanies the establishment of a rural enterprise and therefore policy RA4 is engaged;
- Point 3 is not relevant as no lawful dwelling exists on the site to be replaced;
- Point 4 is not relevant as the proposal does not involve the re-use of a redundant or disused building
- Point 5 no indication has been given that the applicants intend to accord with H2;
- Point 6 no indication has been given that the applicants intend to accord with paragraph 80 (formerly 55) of the National Planning Policy Framework;
- Point 7 no indication has been given that the applicants intend to accord with H4;

6.10 Given the proposal is for a dwelling directly associated with a rural enterprise and the applicant has attempted to demonstrate the financial viability of the enterprise I consider policy RA4 to be most relevant to its determination, as outlined above. The criteria set out in RA4 is for agricultural, forestry and rural enterprise dwellings. Policy RA4 states:

*“Proposals for dwellings associated with agriculture, forestry and rural enterprises will be permitted where it can be demonstrated that there is a sustained essential functional need for the dwelling and it forms an essential part of a financially sustainable business, and that such need cannot be met in existing accommodation.”*

6.11 In this case the exception being is if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. In order for the Local Planning Authority (LPA) to assess whether or not there is an 'essential need', evidence must be provided to demonstrate a need in order to qualify for a rural worker's dwelling. This echoes the tenets of Policy RA3 which lists exceptions to new residential development in an open-countryside, including dwellings for rural workers, where they would support an established rural enterprise and would accord with Policy RA4.

6.12 The NPPF guidance on rural workers' dwellings is less detailed than that in Annexe A of the former Planning Policy Statement (PPS) 7, which required clear and convincing evidence of a firm intention and ability to develop the enterprise; a functional need and strong evidence that the proposed enterprise has been planned on a sound financial basis. The principle of applying 'functional' and 'financial' tests is well established and is still required in order to satisfy the requirements of Policy RA4 of the CS. The policy also requires there to be a demonstration that accommodation could not be provided in existing buildings.

6.13 Policy RA4 goes onto state that where evidence of the economic sustainability of the rural enterprise is not proven or where an enterprise is not yet established, planning permission for temporary accommodation may be granted for a maximum period of three years to enable the sustainability of the enterprise to be assessed. Notwithstanding this, the gateway test of there being an essential functional need must be demonstrated first.

6.14 As stated in Core Strategy paragraph 4.8.29, non agricultural rural enterprises should demonstrate that the business could not exist without close and continual supervision, for example, where a worker is required day and night for supervision, inspection or emergency responses. Security itself is not sufficient to justify a new dwelling but maybe a contributing factor.

6.15 The supporting documentation asserts three main reasons for the justification of a dwelling on the site, proper management of the business, reduction in commuting time and deterrent against thefts.

6.16 With the information provided officers are unable to conclude that there are any other overriding factor that requires a new dwelling on this site, firstly the argument of security itself can be a

contributing consideration, it cannot alone justify a dwelling in this location. The applicant has provided crime numbers to identify previous burglaries, most recently in 2019. However, the application has failed to provide evidence that every reasonable, practicable and affordable security measure has yet been seriously investigated, or installed, for example high security locks or alarms, lighting or gating. It is acknowledged that isolated rural businesses can be vulnerable to crime, however, the site is not isolated and has residential dwellings to either side of the workshop, therefore this, in itself, can provide a level of security. The additional dwelling is not considered to provide any significant additional level of deterrent that can be achieved by existing close proximity dwellings, notwithstanding the presence of the static caravan on the site. As such, whilst a general threat of theft is acknowledged, the site is not isolated in the sense that existing dwellings lie to the east and west of the site and it has not been evidenced that sufficient measures have been employed to improve security measures. Notwithstanding this, and importantly, even if this had been evidenced, security is not in itself sufficient to justify a dwelling in open countryside.

- 6.17 It is evident that the business has run sufficiently effectively for 10 years in order to financially support the applicants and that on site presence is not required for proper management of the enterprise. Whilst the desire for less commuting time is acknowledged, this is considered a personal preference that is not something to be given weight in policy terms. Additionally, given there is no functional need for continued supervision on the site closer accommodation could be found a reasonable distance from the site. Secondary to this is the reduced number of vehicle movements required by the applicants, presumably compared to living off-site. Again this is not considered to be a functional need of the business, while it may be environmentally beneficial when viewed through that lens, both local and national policy seeks to prevent isolated homes in open countryside locations, save for those exceptions outlined above. Whilst there would be a trip reduction in terms of commuting to work, the reliance on motorvehicle associated with residential development in unsustainable location would far outweigh this.
- 6.18 There is no other justification demonstrating that there is a functional need for the occupier to be present at the business for the majority of the time. The nature of a carpentry business does not involve requirement for night time supervision, inspection or emergency responses (as one would expect with agricultural workers looking after livestock for example) that would require a permanent on site presence and the proposal therefore fails at the first policy requirement for functional need on the site.

### **Live-Work Case**

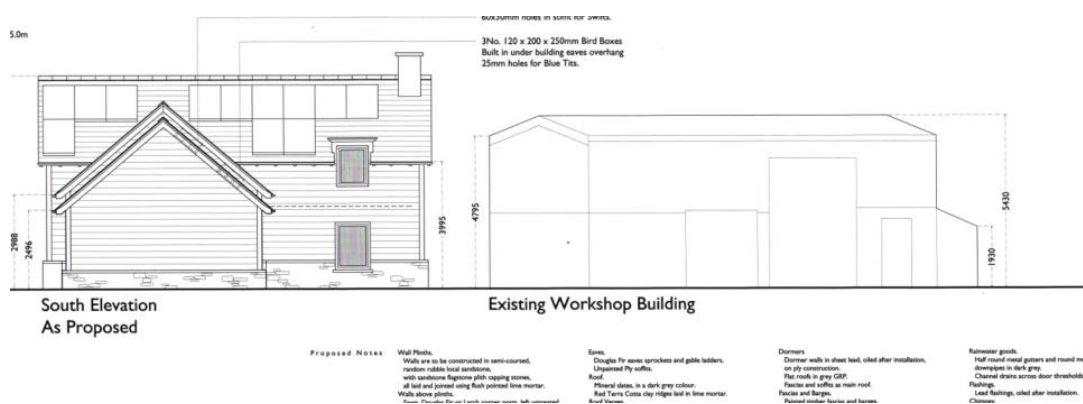
- 6.19 Policies are not considered out of date in the context of this application, live work units are not a new planning phenomenon and applications for development of this ilk have been dealt with under this Core Strategy elsewhere in the county. As such, it is considered that the relevant policies of RA3 and RA4 are applicable and afforded full weight in the consideration of this application. The application is for a rural worker's dwelling on the site of the enterprise, as such it is considered entirely reasonable and relevant to assess the scheme against rural exception criteria.
- 6.20 It is your Officer's view that the applicant's preferred argument that Core Strategy should be afforded very limited weight would not result in sound decision making. Whilst there is no suggestion that live-work accommodation must always be located within an identified settlement, in locations outside of RA2 settlements the Core Strategy is clear that residential development must then be assessed against the exception criteria in RA3. As above, the methodical assessment against the Core Strategy policies has been undertaken and are considered relevant and applicable to the case before Planning Committee.

### **Design, Appearance and Amenity**

- 6.21 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and

site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.

- 6.22 The application site is located within a minor linear pattern of development, with dwellings to the east and west, as such the proposal would read as an additional residential unit within this. The existing boundary treatments and new hedging and tree planting will help to screen the dwelling to some extent, whilst the new built form will be integrated into the wider landscape with the backdrop of existing and aid in visually softening the long views of the site. The existing access would be utilised minimising visual impact from the roadside. Overall it is considered to have been demonstrated that the landscape impact will be neutral, taking into account the existing built form on the site and in the wider vicinity.
- 6.23 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. The policy also states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.24 The proposed dwelling would be a two storey detached 4 bedroom property with home office and adjoining garage. The design approach utilises a relatively traditional cottage style dwelling constructed of timber boarding elevations with stone plinths under grey slate roof. The dwelling would not be adversely out of character with the adjacent built form comprising a variety of materials and architectural details such as gable projections and dormer windows, following a generally traditional character. The Proposed Plans (extracts) are inserted below.





East (Entrance) Elevation  
As Proposed

**Proposed Notes**

**Wall Finishes**

Walls are to be constructed in semi-coursed, random rubble local sandstone, with sandstone Regstone plinth capping courses, all laid and pointed using flush pointed lime mortar. Walls above pilinths. Sawn, Douglas Fir or Larch corner posts, left untreated. Horizontal, sawn Douglas Fir or Larch boarding, left untreated. Window Brackets. Sawn Douglas Fir or Larch window surrounds. To same face as corner posts.

**Eaves**

Douglas Fir eaves sprockets and gable bidders. Unpainted Ply soffits. Roof. Mineral slates, in a dark grey colour. Red Terra Costa clay ridges laid in lime mortar. Roof Verges. Lime mortar pointed eave verges. Patts and Steps. Stone flagged paths and steps. Grey gravel. Flat Link Roof. Grey, lead coloured GRP sheet roofing, dressed into metal box gutters.

**Dormers**

Dormer walls in sheet lead, tiled after installation, on ply construction. Flat roofs in grey GRP. Facias and soffits as main roof. Facias and Barges. Painted timber facias and barge. Windows and Doors. Accoya timber or powder coated aluminium, as shown. Colour to be determined later.

**Rainwater goods**

Half round metal downpipes in oil Channel drains. Rainings. Lead Baling, 1 Clipping. Terra Costa 12 with sandstone and painted side



Existing Workshop Building

North Elevation As Proposed

4.0m 5.0m

These two bathroom windows are fitted with permanent obscured glass

3 No. 120 x 200 x 250mm Bird Boxes Built in under building eaves overhanging 60x30mm holes in soffit for Swifts.

3 No. 120 x 200 x 250mm Bird Boxes Built in under building eaves overhanging 25mm holes for Blue Tits.



West Elevation  
As Proposed

**Proposed Notes**

**Wall Finishes**

Walls are to be constructed in semi-coursed, random rubble local sandstone, with sandstone Regstone plinth capping courses.

**Eaves**

Douglas Fir eaves sprockets and gable bidders. Unpainted Ply soffits. Roof.

**Dormers**

Dormer walls in sheet lead, tiled after installation, on ply construction. Flat roofs in grey GRP.

**Rainwater goods**

Half round metal gut downpipes in dark gr Channel drains across

6.25 With regards to residential amenity, the west elevation which fronts the neighbouring dwelling proposes no windows with the exception of obscure glazing to the en-suite shower room and bathroom. Condition could be included to secure obscure glazing in perpetuity. Amended ground floor plans have been received in response to the representation received raising concerns regarding the proximity of the air source heat pump. This has shown the pump to be relocated from the west of the dwelling to the south, being further away from neighbouring dwelling to the west. The proposal includes limited private amenity space to the north with a paved terrace.

## Highways

6.26 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111

the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

- 6.27 Given the existing movements associated with the site, the proposed development is not considered to materially impact on the safety of the existing access. The site plans show sufficient space for parking and turning on the site with secure cycle parking within the garage. The Highways Engineer has reviewed the application and raised no objection to the scheme.

## **Ecology and Drainage**

- 6.28 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.29 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.30 The site is within the 10km of the Upper Wye Gorge SSSI that forms part of the Wye Valley Woodlands SAC that has Horseshoe bat species as an additional identified feature. The Council's Ecologist has reviewed the application and identified no loss of foraging habitat or impact upon potential bat roosting features as a result of the brownfield site with condition recommended to restrict external lighting and protect dark skies.
- 6.31 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.32 The application proposes to manage foul water through existing private foul water treatment system serving the workshop and mobile home on site discharging to drainage field located on land under the applicant's control in the adjacent field. Given the dwelling would replace the existing mobile home it is considered that the current system can accommodate the new development. Additional surface water is proposed to be managed through onsite Sustainable Drainage Systems. This adheres to the drainage hierarchy set out above and there is nothing to suggest this is not achievable within the site which has sufficient space to accommodate the systems. Therefore, no conflict with SD3 or SD4 is identified.

## **Conclusion**

- 6.33 It is acknowledged that there is an economic benefit, supported by both RA6 and E3, in supporting the applicant's rural enterprise. Furthermore the applicant has stated that the most salient way to do this is to live on site, while I give some weight to this argument it is clear that these policies do not seek to support housing development and that it would be possible to live off site and still operate the business. Should this application be refused, it would not make the business unviable or hinder the carrying out of operations.

- 6.34 There are no wider social benefits to the scheme, beyond the personal preferences of the applicant to reduce commuting time. In absence of functional need on the site, it is considered that accomodation in reasonable distance would enable the family to continue to live in the parish and community.
- 6.35 CS policy RA4 states that proposals for a new agricultural worker’s dwelling will be supported where it can be demonstrated that there would be a sustained functional need for it, and the supporting text at 4.8.27 outlines that such needs typically relate to providing essential supervision and management.
- 6.36 Applications for planning permission for new dwelling advanced through this policy are based on an accurate assessment of the needs of the enterprise. It is clear that the business can exist without onsite accommodation as the nature of the operations on site do not need out of hour or emergency presence. The justifications put forward are considered insufficient in policy terms to sufficiently evidence the threshold for essential functional need is met. In absence of functional need, the proposal would introduce residential development in an unsustainable location without meeting any exception criteria. Whilst the accommodation adjacent to the workshop would remove one journey to and from the applicant’s place of work, the nature of the unsustainable location outside of any identified settlement would require multiple journeys reliant on private motor vehicle for access to day to day services, including healthcare facilities, shops and schools.
- 6.37 The proposal for a rural worker’s dwelling in this open countryside location is found to be without justification and would lead to significant harm in terms of its conflict with the Development Plan and promoting unsustainable patterns of development. The scheme would hence not be representative of sustainable development, and as a consequence its does not benefit from the positive presumption set out in in the NPPF and CS, to which the NPPF is clear in that decisions should be taken in accordance with the development plan. As such, the application is therefore recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. **The application has failed to demonstrate that there is a sustained essential functional need for the dwelling as a part of a financially sustainable business. The nature of the enterprise is such that continuous onsite presence is not required to facilitate operations and the application has failed to demonstrate that the business could not exist without close and continual supervision, a worker is not required day and night for supervision, inspection or emergency responses. The reasons of proper management of the business, reduction in commuting time and deterrent against thefts are not considered sufficient justification in the policy context of a non-agricultural rural worker dwelling. The applicant has not provided any sound evidence to suggest that the proposal is to be considered under any other exceptional circumstances nor is it considered to be suitable development. It is therefore residential development in the open countryside without any exceptional justification and is considered to represent unsustainable form of development with reliance upon private motor vehicle. Accordingly the scheme is contrary to Herefordshire Local Plan – Core Strategy Policies RA2, RA3 and RA4 and the National Planing Policy Framework.**

Decision: .....

Notes: .....

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

## **Appendices:**

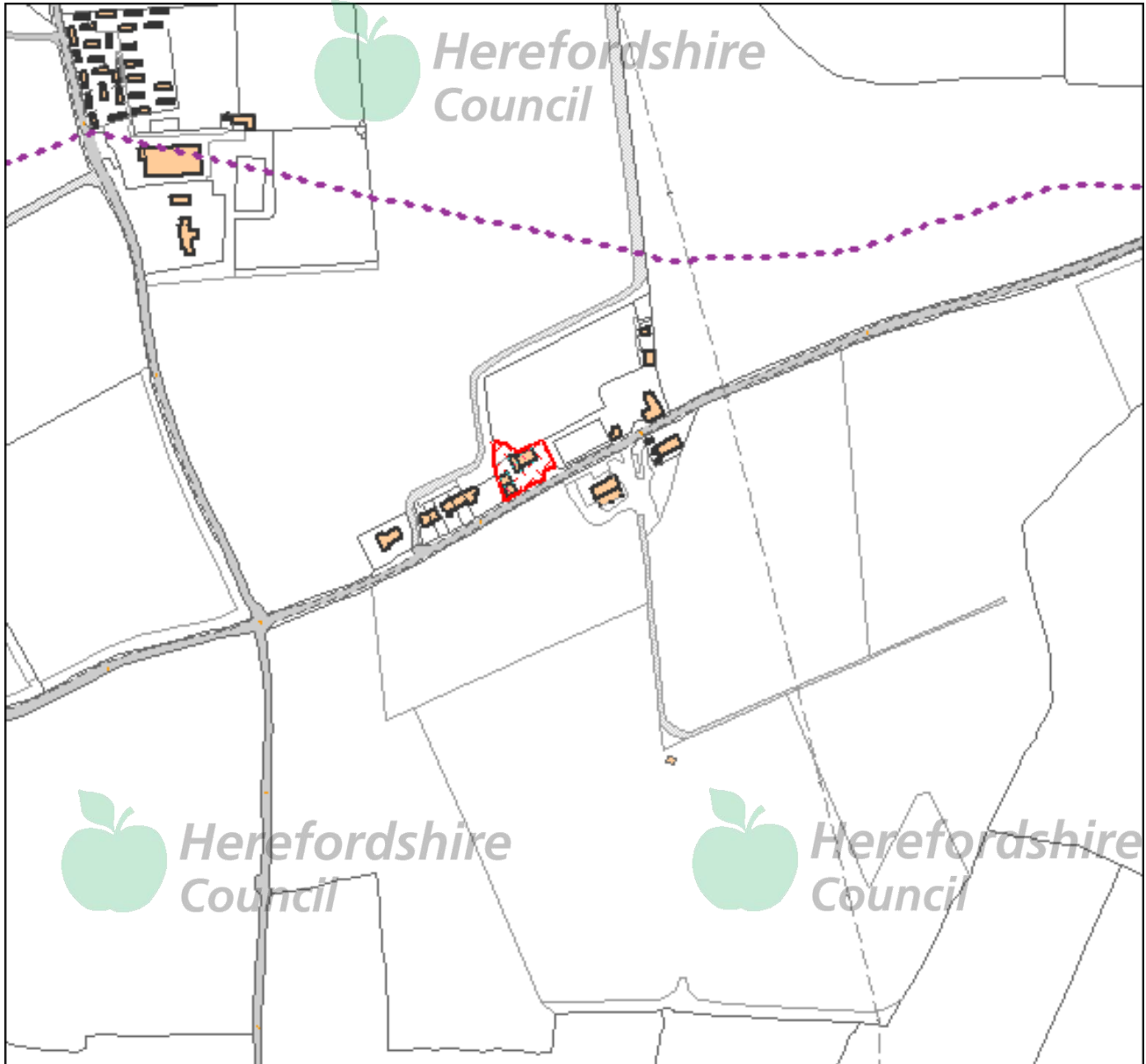
**Appendix 1 – Accounts** (Exempt –Local Government Act 1972, Schedule 12 A, paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

**Appendix 2 – Design and access statement** (Exempt –Local Government Act 1972, Schedule 12 A, paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

## **Background Papers**

None identified.





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**APPLICATION NO:** 232089

**SITE ADDRESS :** SHEEPCOTE, ST OWENS CROSS, HEREFORD, HEREFORDSHIRE, HR2 8JU

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