

Agenda

Planning and Regulatory Committee

Date: **Wednesday 13 March 2024**

Time: **10.00 am**

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

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

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

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Agenda for the meeting of the Planning and Regulatory Committee

Membership

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

Councillor Polly Andrews
Councillor Bruce Baker
Councillor 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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	GUIDE TO THE COMMITTEE	
	NOLAN PRINCIPLES	
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2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of items on the agenda.	
4.	MINUTES To approve the minutes of the meeting held on 17 January 2024.	13 - 56
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	213413 - GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ Proposed erection of a dwelling of outstanding design and accompanying works, including a new access, extensive landscaping, biodiversity improvements, and drainage arrangements.	57 - 88
7.	231703 - THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP Demolition of existing hotel and associated structures and erection of Class E foodstore with associated access, parking, servicing, drainage and landscaping.	89 - 188
8.	233225 - 182 LEDBURY ROAD, HEREFORD, HR1 1RH The erection of two dwellings and associated works.	189 - 202
9.	240148 - THE PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8HJ Proposed replacement of existing rear conservatory and terrace with a larger single storey extension and terrace.	203 - 212
10.	DATE OF NEXT MEETING Date of next site inspection – 9 April 2024 Date of next meeting – 10 April 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 17 January 2024 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone and Richard Thomas

In attendance: Councillor Philip Price

Officers: Georgina Coley, Development Manager Majors Team and Team Leader Area Engineer

57. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dan Powell and Diana Toynbee.

58. DECLARATIONS OF INTEREST

There were no declarations of interest.

59. MINUTES

RESOLVED: That the minutes of the meeting held on 13 December 2023 be approved.

60. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE (Pages 29 - 40)

Councillor Clare Davies left the committee to act as the local ward member for the following application.

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

In accordance with the criteria for public speaking Mr Page spoke on behalf of Bromyard and Winslow Town Council, Mr Whitehorn, local resident, spoke in objection to the application and Mr Smith, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. There was concern regarding the detail in the update sheet outlining the inclusion of a footpath along the A44 in the section 106 agreement. This was a narrow road with inadequate width to accommodate a footway. Pedestrians from the development had alternative walking routes and should be discouraged from walking along the A44. The application was supported but with the removal of the section 106 agreement concerning the footway along the A44.

The committee debated the application. There was support for the application but concern was expressed regarding the proposed footway along the A44. Pedestrians from the

development site should be encouraged to use alternative routes but it was accepted that some pedestrians would walk down to the A44; the provision of a footway along the A44 would provide some safety to these pedestrians.

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

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor Stef Simmons. The motion was put to the vote and was carried by a simple majority.

RESOLVED - that

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement within 6 months of the date of Planning Committee to secure:

- **Contributions as set out / requires**
- **Purchase of Phosphate Credits (in full or phased)**

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

Standard

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 The development shall be carried out strictly in accordance with the approved plans as far as it relates to access and layout ;**

- **0687-101 A Amended Location Plan**
- **332310017-STN-HDG-XX-DR-CH-0571-P01 Long Section West Pond**
- **332310017-STN-HDG-XX-DR-CH-0572-P02 Long Section South Pond**
- **332310017-STN-HML-XX-DR-CH-0110-P03 Engineering Strategy**

- 332310017-STN-HML-XX-DR-CH-0111-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH- 0112-P03 Engineering Strategy
- 0687-102 B-A0L Composite Planning Layout
- 0687-102-1 B Planning Layout-A0L
- 0687-102-2 B Planning Layout-A0L
- 0687-104-1 B External Works Layout-A0L
- 0687-104-2 B External Works Layout-A0L
- 0687-104-3 B External Works Layout-A0L
- 0687-104-4 B External Works Layout-A0L
- 0687-104-5 B External Works Layout-A0L
- 0687-104-6 B External Works Layout-A0L
- 0687-104-7 B External Works Layout-A0L
- 0687-104-8 B External Works Layout-A0L
- 0687-111-1 B Refuse Strategy Plan-A0L
- 0687-111-2 B Refuse Strategy Plan-A0L
- 0687-112 B Tenure Allocation Plan-A0L
- 0687-113 B Land Budget Plan-A1P
- 0687-114 B Phasing Plan-A0L
- 332310017-STN-HML-XX-DR-CH-0014-P07 Section 278 Plan
- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

except where otherwise stipulated or approved 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 MT1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Pre-commencement

- 5** Prior to the commencement of development of any phase, a Detailed Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following;

- Residential phases
- Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways)
- Timing of delivery of offsite highways improvements
- Timing of delivery of public open space
- Timing of delivery of public open space
- Delivery of drainage infrastructure
- Procedures for amending the phasing plan if subsequently deemed necessary

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan.

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the

construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2

- 6 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.

The Surface Water drainage strategy shall include, but may not be limited to the following;

- Infiltration testing to support the optimum use of SuDS where appropriate;
- a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be implemented to control and monitor water quality as it discharges from the development into the River Frome).
- provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- phasing of delivery to be included in the approved drainage scheme

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved,

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.

- 7 Prior to the commencement of the development or forming part of any forthcoming reserved matters application(s) which relate to appearance and landscaping, a Noise Risk Assessment of the site shall be submitted in accordance with Stage 1 of the ProPG* guidance and relate to all residential properties to the west of Upper Hardwick Lane. If the risk is found to be more than negligible, then an Acoustic Design Statement must be required in accordance with Stage 2 of the guidance. The statement should demonstrate how the acoustic environment has been taken into account in the design and layout of the site ensuring that the desirable standards set out in BS8233 are achievable wherever possible with the windows partially open.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings when having regard to noise generated by roads and utility services, so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 8 Notwithstanding the visibility splays illustrated on drawing 0687-102 B, no development shall take place until a plan demonstrating visibility splays of 2.4-metres x 33-metres with the splay being delineated by the back of the footway at all junctions, should be provided prior for the approval by the Local Planning Authority.

The approved details shall be maintained accordingly in perpetuity and nothing over 0.6-metre in height should be placed within the splays.

Reason: In the interests of highway safety and to accord with Policy MT1 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 Development shall not begin until a specification of the vehicle access constection at a gradient not steeper than 1 in 12 is submitted to and approved in writing by the Local Planning Authority.**

The construction of the vehicular access shall be carried out in accordance with the approved specification.

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.

- 10 Development shall not begin in relation to any of the specified highways works until details of the works have 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 works shall include, but may not be limited to the following;**

- Footway/cycleway from Cherry Tree Close to site (if necessary as part of Section 278)**
- Bus stops/shelters on Winslow Road**
- Lighting of Upper Hardwick Lane between site pedestrian access and footpath to Flaggoners Close**
- Start and fund TRO process to install bollards on Upper Hardwick Lane**

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.

- 11 Development (in each phase) in relation to the provision of road and drainage infrastructure shall not begin until the following details are submitted to and approved in writing to the local planning authority:**

- Surface finishes**
- Drainage details**
- Lighting details**
- Future maintenance arrangements**

The development shall be carried out and thereafter maintained in accordance with the approved details. The works shall be completed prior to the first occupation of any dwelling in the phase.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1, LD1 and LD2 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 No development other than demolition and site clearance works shall be undertaken for any phase of the development unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The details supplied shall include information on the levels of all buildings, hard and soft surfaced areas.**

The development shall be undertaken and completed at the levels shown on the approved drawing before the phase is brought into use.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1, LD1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13** No development shall commence until a fully detailed Landscape Ecological Management Plan (LEMP) to cover all phases of development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but may not be limited to:

i. Aims and objectives of the scheme;

ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows;

iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;

iv. A work and maintenance schedule for 30 years and arrangements for beyond this time;

v. The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.

vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme

The approved plan will be implemented in accordance with the approved details.

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14** No development shall commence for that phase, until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The objective of the plan is to ensure waste management provisions complement the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:

I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core Strategy and Policy SP1 of the emerging Herefordshire Minerals and Waste Local Plan.

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

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

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

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

16 Development (in each phase) shall not begin until details and locations 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 and specification
- Parking for site operatives
- Construction Traffic Management Plan
- Travel plan for operatives.
- Siting of site compound / site offices (including stack heights) and storage areas

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.

- 17 Development (in each phase) shall not begin until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named ‘responsible person’, including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:

- Hours of working
- Dust management and mitigation measures
- Storage of materials

The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved 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.

- 18 Development (in each phase) shall not begin until a Resource Audit to identify the approach to materials. 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);
- 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: 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 and emerging policy SP1 of the Herefordshire Minerals and Waste Local Plan.

- 19 No development shall take place until a point of connection for foul flows on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.**

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.

Pre-occupancy or other stage

- 20 With the exception of any site clearance and groundwork no further development for each phase of the development hereby approved shall commence until details of the play facilities proposed for that respective phase have been submitted and approved in writing. These details should include:**
- a) Detailed specification of the equipment to be provided**
 - b) Finished levels and contours**
 - c) Surfacing,**
 - d) Landscaping,**
 - e) Means of enclosure,**
 - f) Street furniture.**

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 21 Prior to the first occupation of any dwelling within any phase of residential development hereby approved, and in addition to any landscaping or green infrastructure that may otherwise be required, a detailed scheme detailing locations and specifications for ‘hard’ habitat enhancements to be built into, or attached, to new dwellings including provision of bat roosting bricks/boxes, bird boxes for sparrow and other species (as identified in ecological surveys) and details of hedgehog ‘highways’ through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that biodiversity net gain is secured and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

- 22 Prior to the first occupation of any phase of the development 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 until all dwellings are occupied.**

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.

- 23 Prior to the first occupation of any phase of the development hereby approved, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

- 24 Prior to the first occupation of any phase of the development hereby approved, 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 dwelling to which this relates 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.

- 25 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking account of all areas outside of the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.**

The details shall include, but may not be limited to the following; -

- a) a map or plan indicating the management responsibility of each respective area of the proposed development.
- b) a schedule of implementation and maintenance of non-private landscaped areas / open space
- c) Delivery and maintenance shall be carried out in accordance with this approved details.

Reason: To ensure the implementation and future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and and to ensure that the development complies with the requirements of Policy BY1, LD1, and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Compliance

- 26 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

- 27 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, whichever is the sooner.**

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

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

- 28 No external lighting within residential areas 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

- 29 The mix of open-market and affordable housing delivered shall conform with the**

housing mix as set out on approved plan 0687-112 B unless a scheme with a revised mix of housing is subsequently submitted to the Local Planning Authority and approved in writing under the terms of this condition. In such circumstances the mix of housing delivered shall be in accordance with the approved revised scheme.

Reason: To ensure that the development provides an appropriate mix of open-market and affordable housing and to comply with Policies BY2 and H3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 30 The Remediation Scheme, as approved pursuant to Condition 16 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

- 32 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

EDP - Arboricultural Impact Assessment - edp2364_r012b

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 33 Any forthcoming reserved matters application(s) of scale, appearance and landscaping for the relevant phase shall include full details of the proposed allotments.

Reason: In order to ensure an appropriate standard of facility in accordance with Policy BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34 Any forthcoming reserved matters application(s) of scale, appearance, and landscaping for the relevant phase shall include full details of the proposed play facilities. These details should include:

- a) Detailed specification of the equipment to be provided
- b) Finished levels and contours

- c) Surfacing,
- d) Landscaping,
- e) Any means of enclosure,
- f) Street furniture.

The play facilities shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

There was an adjournment at 11:15 a.m.; the meeting reconvened at 11:28 a.m.

Councillor Clare Davis resumed her seat on the committee.

61. 231560 - DRAKELEY FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ES
(Pages 41 - 44)

Councillor Peter Hamblin left the committee to act as the local ward member for the following application.

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 Lees, spoke on behalf of Marden Parish Council, Mrs Suart, 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 member spoke on the application. In summary, he explained that the applicant was a successful and significant local business and employer. The current application had involved extensive consultation and a number of representations had been made in objection and support. As a consequence of the representations received the application had been amended. A number of objections focused on highways issues but these had been addressed and it was confirmed that there would be a minor amount of vehicle movements, involving tractors and trailers, to the site.

The committee debated the application. During the course of the debate the committee encouraged the extension of the 30 mph speed limit up to the proposed entrance to the development and the replacement of any hedging lost as a consequence of the entrance to the site.

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

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor Richard Thomas. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

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:

Standard Conditions

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

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

3. **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 57 metres in an east direction and 57 metres in the west direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework

Pre-Commencement Conditions

4. **Before any work approved under this permission commences, 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 CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. 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 and Policy M7 of the Marden Neighbourhood Development Plan.

5. **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**
- **Site compound 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, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

6. **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

- 7 **No development approved by this permission including site clearance shall be commenced until a hard and soft landscape scheme has been submitted to 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) **Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.**

d) **Confirmation of finished levels across the site to include cross sections in a north to south direction through fields Skymes 2, Skymes 3 and Drakely 1, and in a west to east direction through Skymes 1.**

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

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, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

8. **No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

9. **No development approved by this permission shall be commenced until a the following information has been submitted to and approved in writing by the Local Planning Authority:**
1. **Detailed surface water drawings of proposed drainage strategy to include catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.**
 2. **Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;**

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: In order to secure satisfactory drainage arrangements are provided and to comply with Polices SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance conditions

10. **Before the development is first brought into use, a 'Site Management Plan' which clearly sets out the arrangements for all the staff working on the development hereby approved and how the site will be managed and controlled shall be submitted to and approved in writing by the local planning authority. The plan shall include amongst other issues details the noise management across the site; the storage, transfer and disposal of waste; details of fruit traffic management (detailing how fruit will be transported around and from the site); arrangements for welfare facilities; the maintenance of buildings and access track; litter collection and disposal; the control of amplified music; lighting and car parking arrangements. The operation and use of the site shall thereafter be in accordance with the approved management plan.**

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 and Policy M10 of the Marden Neighbourhood Development plan

11. **Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.**

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

12. **All planting, seeding or turf laying in the approved landscaping scheme under condition 6 shall be carried out in the first planting season following the**

commencement of development on site. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

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, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

Restrictive conditions

13. The storage building hereby permitted will be used for the storage of machinery and equipment associated with the growing of soft fruits on the application site and for no other purpose, unless previously agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the polytunnels and development hereby approved shall not be used for any other purpose other than for the growing of soft fruit and vegetables.

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

15. Any new access gates shall be set back a minimum of 15m metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M7 of the Marden Neighbourhood Development Plan.

16. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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 policy M10 of

the Marden Neighbourhood Development Plan.

17. None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M10 of the Marden Neighbourhood Development Plan.

18. None of the Polytunnels (as detailed in drawing number General Arrangement details: DWG No 37.489.2.C23) shall exceed more than 4.5. metres in height above existing ground level.

Reason: In the interest of visual amenity due to the sloping nature of the site and to comply with policy LD1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and policy M10 of the Marden Neighbourhood Development Plan.

19. In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.

Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and Policy M10 of the Marden Neighbourhood Development Plan.

INFORMATIVES:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
- 3 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'.

- 4 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
- 5 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.**
- 6 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).**

Councillor Hamblin resumed his seat on the committee.

62. 223199/223432 - BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0TE

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Ms Salter, spoke on behalf of Peterchurch Parish Council, Mr Eacock, local resident, spoke in objection to the application and Mr Tompkins, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained concerns with the proposed development. The traffic that would be generated by the construction of the new development would have an adverse and significant impact upon Long Lane in Peterchurch. Concern had been expressed locally over the use of the Class Q permission for the development. The conversion of the barn under Class Q should replicate the shape and form of the original building as closely as possible. There were questions concerning the form of the converted buildings with many local residents expressing the view that this was not acceptable under the Class Q permission. There was concern that the application before the committee did not represent a betterment to the fall-back position under the Class Q permission. There was insufficient capacity in the local water supply and it was queried how the new development would overcome this problem. The proposed discharge of grey water into Black Brook was a concern. The distance of the discharge pipe from the development to the Brook would result in the dispersal of wastewater onto the land before reaching the Brook.

The committee debated the application. There was division among the members of the committee. To some members it was felt that the development represented the protection and enhancement of traditional buildings in the rural locality without a significant, adverse impact on the landscape. It was the contention of other members of the committee that the proposal represented development in open countryside and issues raised by local residents regarding the discharge of wastewater into the local Brook required further investigative work.

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

A motion that application 223199 and application 223432 be approved in accordance with the case officer's recommendations was proposed by Councillor Bruce Baker and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

223199

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. **Time limit for commencement (full permission)**
- 2.
3. **Any new access gates/doors shall be set back 5 metres from the adjoining carrieway edge and shall be made to open inwards only.**

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.

4. **Prior to the first occupation of the development 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.

5. **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.

6. **Prior to the first 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 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.

7. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point per dwelling (excluding the existing farmhouse), shall be 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 the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

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

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

9. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out at dwellings referred to on submitted plans as Barn Conversions (B1 & B2), Long Barn House (C) and Embedded House (D).

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. Additionally, in order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to commencement of any development, including groundworks, a landscape scheme shall be 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) An Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.

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.

11. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building 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 (Or other timescale that may be agreed as part of condition 12) will be replaced in accordance with the approved plans.

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

12. Before the development is first occupied or brought into use, a schedule of hard and soft landscape maintenance for a period of 10 shall be submitted to and approved in writing by the local planning authority. The schedule shall clearly identify who will take responsibility for which areas (eg: Within domestic curtilage / outside of domestic curtilage and where there is shared responsibility how this will be managed)

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.

13. Prior to occupation of development of the new dwellings hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) detailed surface water and foul water drainage design plans/construction drawings, including associated calculations
- b) details of the persons / bodies responsible for the future management and maintenance for the foul and surface water drainage systems.

The approved scheme shall be implemented before the first occupation of any of the building hereby permitted and maintained in accordance with the approved details thereafter.

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.

14. Before any works in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:
- Detailed section of the embedded house through grass roof, at terminations of turf roof, and details at eaves at 1:5 scale;
 - Details of wall and roof coverings to the long barn;
 - Details of wall cladding at 1:5 scale of the embedded house, with a sample of timber and finish;
 - Details of rainwater goods and finishes of the embedded house and longbarn;
 - Manufacturers details of windows and doors of the embedded house and longbarn
 - Flue pipe of the longbarn to be finished in black enamel

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and historic setting so as to ensure that the development complies with the requirements of Policy SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained.

Reason: To ensure that all species are protected 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.

16. Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features) and hedgehog homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full prior to occupation of the any new residential unit hereby approved and hereafter maintained as approved. Reason: To ensure that biodiversity net gain is secured and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

17. At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwelling be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time.

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.

- 18. As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites.**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the local planning authority for written approval.

The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed;

Reason: To ensure that all species, habitats and local intrinsically dark landscapes 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.

- 19. Within six months of any of the solar panels/photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference and land reinstated to former condition.**

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status 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. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
- 3.

- The applicant is advised by Welsh Water that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Further information can be found via: <https://www.dwrcymru.com/en>
- 4.

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed

223432

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

1. CE7 Time period
2. Development in accordance with approved plans and materials
3. Before any works on the Farm House in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:
 - Sample of stone tile
 - Roof and wall insulation at 1:10 scale
 - Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry
 - Details of projecting modern concrete window sill removal
 - External joinery details at 1:2 scale, including materials and finish
 - Detail of handrail to external stairs

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Before any works on the Farmhouse in relation to the materials specified below

begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:

- **Details of roof covering and flue pipes that shall be black enamelled finish**
- **Samples of any replacement walling stone, lime mortar and a sample area of re-pointing**
- **Details of external wall cladding and external timber joinery**
- **Details of ground floor structure and finishes**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5. Prior to commencement of works to the Timber structure, any replacement found necessary due to defects shall be detailed and a scheme of repair/replacement submitted to and approved in writing by the Local Planning Authority.**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6. Details of the material, sectional profile, fixings and colour scheme for Rainwater goods of the farm house and threshing barn (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.**

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

- 7. The roof windows to the farmhouse and threshing barn shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the**

Building Regulations, by the County Fire Service or by Environmental Health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution. For works of Demolition attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that works of demolition should not commence until notice has been given to the RCHME.

63. 233080 - WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE

Councillor Terry James left the committee to act as the ward member for the following application.

Councillors Polly Andrews and Elizabeth Foxton left the meeting at 1:34 p.m.

Councillor Claire Davis assumed the chair for the following application.

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application.

The committee debated the application.

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

A motion that the application be approved, in accordance with the case officer's recommendation, was proposed by Councillor Stef Simmons and seconded by Councillor John Stone. The motion was put to the vote and was carried unanimously.

RESOLVED – that:

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:

That planning permission be granted subject to the following conditions:

- 1. C01 – Time limit for commencement (full permission)**
- 2. C07 – Development in accordance with approved plans and materials**

INFORMATIVES:

- 1. IP1 – Application approved without amendment**

The meeting ended at 1.45 pm

Chairperson

PLANNING COMMITTEE

Date: 17 JANUARY 2024

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

163932 - OUTLINE PLANNING APPLICATION FOR A SUSTAINABLE URBAN EXTENSION COMPRISING: UP-TO 250 DWELLINGS; OPEN SPACE, ALLOTMENTS AND LANDSCAPING; SCHOOL EXPANSION LAND; AREAS OF CHILDREN'S PLAY; SUSTAINABLE URBAN DRAINAGE INFRASTRUCTURE; INTERNAL ROADS; AND ASSOCIATED INFRASTRUCTURE. DETAILED APPROVAL IS SOUGHT FOR PRINCIPAL MEANS OF ACCESS AND LAYOUT WITH ALL OTHER MATTERS RESERVED AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

For: Vistry Homes Limited and Mosaic Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW

AGENT'S RESPONSE TO THE LOCAL HIGHWAY AUTHORITY (LHA) COMMENTS

The applicant's agent has provided a response to the LHA comments which was also circulated to Members of the Planning Committee on 11 January 2023. The response has also been published to the relevant application page on the Herefordshire Council website.

ADDITIONAL CONSULTATION RESPONSES

Herefordshire and Worcestershire Clinical Commission Group – updated comment- 16/1/24 – see Appendix 1.

An updated draft Heads of Terms is provided in **Figure 1** to reflect the changes sought by the CCG.

OFFICER COMMENTS

With respect to the response provide by the agent's response to the LHA comments 11 January 2023, the following comments and updates can be provided on the following matters; -

Additional transport contributions for footway improvements along the A44;

Paragraph 7.35 of the Committee Report advises that additional contributions would be sought to provide the footway improvements between Upper Hardwick Lane and Winslow Road that have been omitted from the scheme. This is in response to the comments provided by the LHA.

It should be noted that Planning Practice Guidance advises that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

As per the LHA comments, the view is taken that notwithstanding the conclusions of the Stage 1 Road Safety Audit (RSA), improvements along the southern section of Upper Hardwick Lane should be provided, together with the widening of the footway along the northern side of the A44 between Upper Hardwick Lane and Winslow Road. It is considered that the additional contributions sought (as set out in **Figure 1**) would be required to make the development acceptable in planning terms. It is clearly directly related to the development insofar it would provide acceptable pedestrian connections from the development to services and facilities within Bromyard, namely the Queen Elizabeth High School. On the basis that it is anticipated that pedestrians would use Upper Hardwick Lane to access the aforementioned, it is in turn considered that the additional contributions are fairly and reasonably related in scale and kind to the development.

Offering of 3-metre strip between Upper Hardwick Lane and site access with A44

Condition 36 is removed. Following further consideration is considered that the condition does not meet the six tests as set out at Paragraph 56 of the NPPF. The requirement for the developer to make a strip of land available to enable adoption / aspirations of wider connectivity is not necessary to make this development acceptable when having regard to the requirements of Policy BY2 of the Core Strategy. It is also therefore not considered reasonable in all other respects.

Visibility splays

In addition to the above, the following update / corrections to the published Committee Report should be noted.

Updated list of relevant policies

Herefordshire Local Plan – Core Strategy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
BY1	Development in Bromyard
BY2	Land at Hardwick Bank
RA1	Rural housing distribution
RA2	Housing in settlements outside Hereford and the market towns
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
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	Water treatment and river water quality
ID1	Infrastructure delivery

Correction to Paragraph 7.26

Corrected to read as follows; -

As set out within the latest comments from the LHA, there are a number of persisting issues relating to the design of the spine road. These relate to incorrectly drawn and demonstrated Visibility splays. These broadly **not** would appear to compromise the delivery of the layout of the development as currently under consideration and therefore officers are satisfied that details could be supplied at a later stage, through planning conditions. Such details would be required for the road to be adopted through Section 38 of the Highways Act, but are otherwise required to be set out in the interests of highway safety in accordance with Policy MT1 of the Core Strategy.

Update / clarification to Paragraph 7.53

The Section 106 agreement would secure a minimum of 0.23 ha (2300sqm) of POS (@ 0.4ha per 1000 population) and 0.46ha of children’s play. However, it should be noted that the development incorporates 3.76ha of open-space (excluding the drainage infrastructure - i.e attenuation features) which includes opportunities for equipped play and trim trial equipment, allotments and orchards which accords with Core Strategy Policy OS1 and OS2.

Update / clarification to Paragraph 7.99

The wording of Condition 3 (approved plans) and Condition 30 (housing mix) is such which allows for a change to the housing mix to be approved by the Local Planning Authority

UPDATE TO SECTION 106 DRAFT HEADS OF TERMS

As per the above updates, the following revised Section 106 Draft Heads of Terms table is provided. This also accounts for contributions towards library provision. Updates are shown in **red**.

Infrastructure	Quantum of contribution
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as First Homes, Affordable Rented and Shared Ownership tenure with local priority to Bromyard.
Healthcare contribution	A financial contribution of £652.80 (index linked) per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	A financial contribution of; <ul style="list-style-type: none"> • £4,566.00 (index linked) per 2 bedroom open market dwelling • £4,566.00 (index linked) per 3 bedroom open market dwelling • £8,798.00 (index linked) per 4 bedroom open market dwelling to provide the education facilities at Bromyard Early

	<p>Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs.</p> <p>In addition the developer is required to transfer land for an extension to St Peters Primary School at nil consideration with all rights of access.</p> <p>If the transfer does not proceed having used all reasonable endeavours to do so then the payment of a financial contribution towards St Peters will be paid in lieu of the land as follows;</p> <ul style="list-style-type: none"> • £3,063.00 (index linked) per 2 bedroom open market dwelling • £3,063.00 (index linked) per 3 bedroom open market dwelling • £5,018.00 (index linked) per 4 bedroom open market dwelling
Recycling and waste contribution	A financial contribution of £80.00 (index linked) per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,398.00 (index linked) per open market dwelling to provide sports facilities for football, cricket, rugby, tennis, shooting, archery and skate park in Bromyard
Transport contribution (<i>Sustainable Active Travel Measures</i>)	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £2,458.00 (index linked) per 2 bedroom open market dwelling • £3,690.00 (index linked) per 3 bedroom open market dwelling • £4,917.00 (index linked) per 4 bedroom open market dwelling <p>The monies shall be used by Herefordshire Council towards the costs of public realm improvements and</p>

	<p>supporting active travel measures <i>which may include;</i></p> <ul style="list-style-type: none"> • <i>Pedestrian/crossing improvements on Tenbury Road close to Winslow Road junction</i> • <i>Footpath improvements between the site and the Town Centre</i> • <i>Relocation of the bus station to the A44</i> • <i>Broad Street and High Street HGV Access Restrictions</i> • <i>Broad Street and High Street 20mph limit</i> • <i>Pump Street HGV Access Restrictions</i> • <i>New Road HGV Access Restrictions</i> • <i>Cruxwell Street Parking Charges</i> • <i>Rowberry Street Parking Charges</i> • <i>Winslow Road HGV Access Restrictions</i> • <i>Station Road improvements</i> • <i>Hardwick Bank: improvements to the public rights of way</i> • <i>A44 pedestrian subway improvements with potential closure and at grade crossing</i>
<p><i>A44 footway improvements (to be delivered in lieu of s278 delivery by the applicant)</i></p>	<p><i>The full costs of the s278 works have been costed by the applicant. The costings will be reviewed and the A44 footway improvements costs will be extracted and secured in the section 106 agreement</i></p>
<p><i>Library contribution</i></p>	<p><i>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;</i></p> <p><i>£120.00</i> <i> (index linked) 1 bedroom open market dwelling</i></p> <p><i>£146.00</i> <i> (index linked) for a 2 bedroom open market dwelling</i></p> <p><i>£198.00</i> <i> (index linked) for a 3 bedroom open market dwelling</i></p> <p><i>£241.00</i> <i> (index linked) for a 4+ bedroom open market dwelling</i></p> <p><i>The contribution will provide for improved library infrastructure at Bromyard library</i></p>
<p>On site Public Open Space and Play</p>	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 6,900ha (6900sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population)

	<ul style="list-style-type: none"> • 0.46ha (2200sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.14ha (1,400sqm) should be formal children's play. (@ 0.25ha per 1000 population) to the value of £182,000.00 <p>The management and maintenance of any on site POS and allotments will be by two management companies which is demonstrably adequately self-funded or will be funded through on going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community.</p>
Phosphate credit purchase	<p>Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site;</p> <ul style="list-style-type: none"> • 35.08kg = £491,120.00

Figure 1 – Updated Section 106 Draft Heads of Terms

CHANGES TO SCHEDULE OF CONDITIONS

Condition 22 (EV Charging) – Removed as required by Building Regulations.

Condition 36 (3-metre strip) – Removed.

NO CHANGE TO RECOMMENDATION

Kirkham House
John Comyn Drive
WORCESTER
WR3 7NS

hw.primarycare@nhs.net

Yvonne Coleman
Development Manager
Planning Services
Herefordshire Council
PO Box 4
Hereford
HR4 0XH

Planning Ref: 16 3932

16 January 2024

Dear Sir / Madam

Hardwick Bank, Bromyard, Herefordshire

Planning Application 163932

1.0 Introduction

- 1.1 Thank you for consulting NHS Herefordshire and Worcestershire on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicant's submission, and concurrent with a refresh of the ICS Estates Strategy and a more strategic view of developments, the following comments are with regard to the primary healthcare provision on behalf of Herefordshire & Worcestershire Integrated Care Board (ICB).

2.0 Existing Healthcare Position Proximate to the Planning Application Site

- 2.1 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

- 3.1 A Healthcare Impact Assessment (HIA) has been prepared by Herefordshire and Worcestershire ICB to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The development could generate approximately 600 residents and subsequently increase demand upon existing services.

4.2 The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

5.1 The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.

5.2 The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

5.3 This housing development falls within the boundary of a practice which is a member of the East Herefordshire Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the East Herefordshire PCN for the patients within this vicinity.

5.4 The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

Primary Care Network	Additional Population Growth (250 dwellings) ¹	Floorspace required to meet growth (m ²) ²	Capital required to create additional floor space (£) ³
East Herefordshire PCN	600	40.8	163,200

Notes:

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m² per 1750 patients (this is an average list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on a locally agreed m² cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£4,000/m²).

5.5 A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be **£163,200**. Payment should be made before the development commences.

5.6 Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- 6.3 Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that Herefordshire and Worcestershire ICB deem appropriate having regard to the formulated needs arising from the development.
- 6.5 Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF).
- 6.6 Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

Yours faithfully



Jo Hall
Primary Care Commissioning Manager

231560 - TO ERECT UP TO 9.5 HECTARES OF FIXED POLYTUNNELS OVER ARABLE (SOFT FRUIT); THE RELOCATION AND UPGRADING OF A FARM ACCESS/EGRESS ON THE C1124; THE ERECTION OF A 648 M2 PROFILED-STEEL-CLAD PORTAL FRAME GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING; THE ERECTION OF 6 NO. 14.7 METRE DIAMETER 600 M3 CAPACITY WATER STORAGE TANKS, LAYING OUT AT DRAKELEY FARM, MARDEN, HEREFORD, HR1 3ES

For: Mr Kerr per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

Addition representation received by local resident reported below:

Further to my message left on your answer phone yesterday, as time is very limited until this application goes to committee on Wednesday 18th, just 7 days from an email informing of this, I feel the only way I can communicate with you is this way, I hope you will have the courtesy and find time to read this.

Firstly, I do feel the way that this and the previous application, P221524 have been presented to the public, is very confusing, misleading, unfair, often upsetting. S&A Produce have very often been shy with the whole full story, trying to steal away from putting the actual picture to the parishioners. The supporting letters from advisors and influencers, do not in any way, show the full impact that this application, if granted, will have on this small parish, narrow country lanes and surrounding areas and villages, who do already suffer with the numerous large vehicles and arctic Lorrie's travelling to and from S&A Produce, seven days a week. I do question if all the supporting letters were written by company's and private individuals who visited the area? Are they at all familiar with the road network and the make up of the community.

The above paragraph leads me on to: when this application was publicised on 9th June, 2023 yellow notices posted in various places, comments were to be registered by 7th July, 2023. I am surly justified in saying this is a ridiculous short amount of time for objection letters to be submitted, it was in many cases, some days before parishioners were even aware of the new application being submitted. The amount of supporting documents for this application were literally hundreds of pages long, which to write a meaningful letter of objection had to be studied and digested, time consuming. Do you not wonder why only 22 letters were registered? Also many very interested locals, I spoke to, were unaware that this was a new application with new application number, therefore requiring them to write in for the third time with their views, there was no time to spread the word. The previous two applications were under the same application number therefore all letters written in for the May 2022 notification should and I hope did still stand for the revised application in January 2023. I revisited the application on line when I read the email from council on 10th to refresh my memory and study documents. I was very shocked to read comments by 14th December 2023. Can you please explain this revised date and

why it was not brought to our attention, not even to the attention of the parish council, I understand, this is shocking. The same concerns regarding the previous application (P221524) are as strong as for this present application and should still stand, and be recorded and counted as such.

We are extremely disappointed and shocked to have been given only 6 days for the parish, also Parish Council, to prepare for their 3 minute final speak on this very important moment for the future of our Parish. We have been fighting this application for two years, obviously the 'three minutes' needs to be very carefully planned, discussed with all those concerned and put forward by the right speaker, those who would have taken on this important roll have work commitments and are unable to step in at such short notice. I would ask for your understanding and to consider postponing this meeting, reschedule for a later date when more time can be given to the very important preparation needed in putting forward our final case.

OFFICER COMMENTS

Response to additional representation

To provide clarification on the date of publicising and consultation on applications there is a statutory period of 21 days from the date on any notification letter, or press or site notice, to allow for comments to be submitted. This date is always taken from the latest action date, giving people the maximum possible time to respond. Anyone can comment on a planning application and all representation received on an application will be considered up until its determination.

Although this application was a resubmission of application P221524, it is considered a separate proposal. As with all planning applications there is a requirement for separate consultations and publicising to be carried out on the proposal put forward. Representations and comments made on previous applications cannot be considered as the proposal needs to be judged and assessed individually on its own merits.

If during an application process amended drawings or additional supporting documents are received, Officers will arrange for the amended consultations to be carried out. This occurred during this application on the 6 October 2023 due to the submission of a Flood Risk Assessment and Nutrient Neutrality Assessment. Further site notices were posted and the website re-opened to allow for further comments.

Further minor amendments were received in relation to the drainage strategy following concerns raised by the drainage officer relating to the proposed Basin 1. On receipt of the amendments the Drainage Officer was re-consulted and documents published on the website. At the same time, due to some concerns raised within representations received, Officers requested that the Councils Archaeologist was consulted. The website was reopened to allow for comments. Due to the minor scale of the amendments received Officers did not feel it was necessary to post site notices in the local area.

All required statutory procedures and timescales have been adhered to by Officers and there is not considered to be any reason to delay the determination of the application.

Correction to paragraph 1.9 of report

For clarification it should read that the reservoir is located outside of the application site.

Clarification on site levels

Following the committee site visit, condition 7 has been amended to include details of finished site levels to be agreed. See change to recommendation below.

Clarification on seasonal worker accommodation

Correction to paragraph 1.3:-

It is stated that S & A currently employ 425 seasonal workers. This should quote 395. In a letter dated the 5th October 2023 addressing the Parish Council comments the applicants confirm at point 26 that seasonal workers will increase from 395 to 425, with 5 additional permanent staff.

For clarification application 184613/F granted permission for accommodation of up to 850 workers at Brook Farm (162 static caravans, 44 demountable buildings and 110 persons within accommodation block).

Concerns relating to local pond and water system

Commentary is provided at paragraph 4.6 by the Councils Planning Ecologist. The Councils completed HRA identified a nett reduction in agricultural pathway for nutrients into the Lugg SAC catchment by reducing rainfall and water movements through existing top soil and reducing the pathway for 'legacy' P to enter the hydrological catchment. Clean surface water created by the proposed tunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential. All irrigation water is managed on a demand and supply basis and any outfall from the table top cultivation systems is directly recycled so any residual nutrients remain within the closed system.

CHANGE TO RECOMMENDATION

Amendment to condition 7 to capture finished ground levels.

7. No development approved by this permission including site clearance shall be commenced until a hard and soft landscape scheme has been submitted to 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) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.
 - d) Confirmation of finished levels across the site to include cross sections in a north to south direction through fields Skymes 2, Skymes 3 and Drakely 1, and in a west to east direction through Skymes 1.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

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, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 March 2024
TITLE OF REPORT:	<p>213413 - PROPOSED ERECTION OF A DWELLING OF OUTSTANDING DESIGN AND ACCOMPANYING WORKS, INCLUDING A NEW ACCESS, EXTENSIVE LANDSCAPING, BIODIVERSITY IMPROVEMENTS, AND DRAINAGE ARRANGEMENTS AT GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ</p> <p>For: Mr Yardley per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213413&search-term=213413
Reason Application submitted to Committee - Redirection	

Date Received: 7 September 2021 Ward: Hope End Grid Ref: 376630,242890

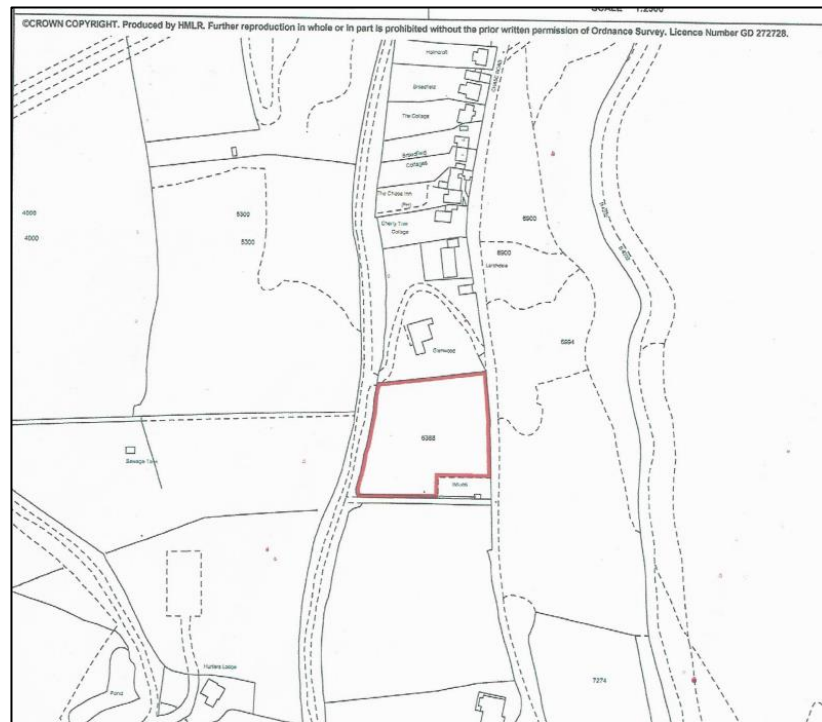
Expiry Date: 11 February 2022
Local Members: Cllr H Heathfield

1. Site Description and Proposal

- 1.1 The application site is located to the immediate south of Upper Colwall, close to the county border with Worcestershire. It is located entirely within the Malvern Hills National Landscape (formerly the Malvern Hills Area of Outstanding Natural Beauty), which is also designated as a SSSI. It comprises a broadly rectangular shaped former paddock approximately 0.5ha in area which slopes down from Chase Road (east) to Ballards Drive (west). It is evident that the site has been unmanaged for many years and is currently overgrown with brambles. Similarly, boundary trees and hedgerow are also overgrown and unmanaged.
- 1.2 The site is bounded by Chase Road to the east and Ballards Drive, a private drive and bridleway, to the west. The eastern boundary with Chase Road is heavily treed with tall sycamores and an unmanaged hedgerow. There is also an old metal pedestrian gate from Chase Road onto the site. A public right of way runs along the southern boundary which runs east-west along the outside of the fence line. A stream and ditch are to the immediate south and west of the site respectively, following the line of the site boundaries.
- 1.3 There is currently no formal access to the site other than the pedestrian gate onto Chase Road. To the north of the site, and closer to the junction of Chase Road and Jubilee Drive, is the Chase Inn, and a small group of detached dwellings, all of which are of a uniform architectural style – C19th painted stone cottages with slate roofs. A dwelling known as Glenwood; a large C19th two storey property is to the immediate north of the site. It sits within heavily vegetated grounds and is largely obscured from view from Chase Road and Ballards Drive. Beyond the site, and further south, are Chase Wood House and Woodlands. Both are more contemporary styled dwellings,

Further information on the subject of this report is available from Mr A Banks on 01432 383085

likely dating from the mid to late C20th – brick and rendered properties respectively under tiled roofs and set within large curtilages.



Location Plan (Extract)

- 1.4 The application proposal is described as being for the erection of a dwelling of outstanding design and accompanying works, including a new access, extensive landscaping, biodiversity improvements, and drainage arrangements. The submission had followed detailed pre-application advice and discussion with officers, with inputs from disciplines including landscape, ecology, drainage and highways. The applicant has also sought the views of the parish council and (at that time) the AONB unit prior to submission and also submitted their initial design to the Design: Midlands Review Panel for their critique.
- 1.5 The plans have evolved through the pre-application, and have been further amended to respond to consultation responses over the planning application process. The submission is supported by a suite of documents which include the following. Some have been amended through the application process to reflect changes that have been made to the scheme:
- Plans and elevations
 - Planning Design & Access Statement
 - Design Statement
 - Energy Statement by Hydrock
 - Completed Climate Change Compliance Checklist
 - Computer Generated Images
 - Photomontages
 - Landscape and Visual Appraisal
 - Environmental Colour Assessment
 - Landscape and Ecology Strategy
 - Ecological Statement
 - Foul Drainage Design and Surface Water Management Strategy
 - Tree survey
 - Transport Note and Access Drawing

1.6 Some visual representations of the scheme are shown below:

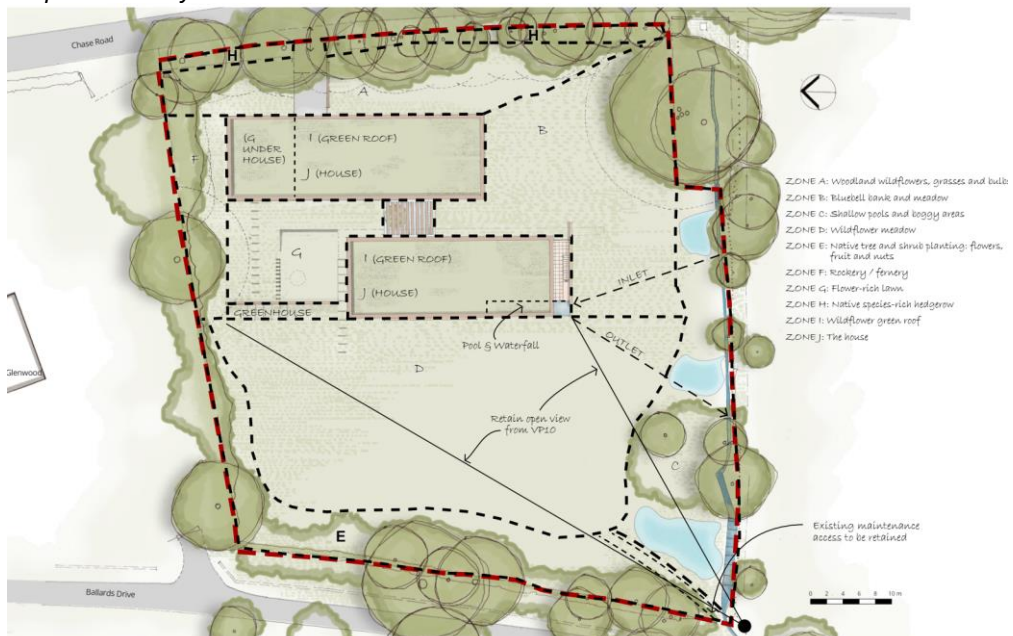
View looking north east from Chase Road



View looking east at the principal elevation



Proposed site layout



Further information on the subject of this report is available from Mr A Banks on 01432 383085

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1 – Presumption in favour of sustainable development
SS2 – Delivering new homes
SS3 – Releasing land for residential development
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
H3 – Ensuring an appropriate range and mix of housing
MT1 – Traffic management, highway safety and promoting active travel
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
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

The HCS policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

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

2.2 Colwall Neighbourhood Development Plan

CSB1 - Colwall Settlement Boundary
CD1 - Protecting Exceptional Key Views
CD2 - New Residential Development
CD8 - General Design Principles for Development in the Countryside
CRE1 - Renewable Energy Schemes

2.3 National Planning Policy Framework

Sections:

2 – Achieving sustainable development
4 – Decision-making
6 – Building a strong, competitive economy
8 – Promoting healthy and safe communities
9 – Promoting sustainable transport
11 – Making effective use of land
12 – Achieving well-designed and beautiful 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

The revised NPPF sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed through the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 Planning Practice Guidance

Planning Practice Guidance can be viewed through the following link:-

<https://www.gov.uk/government/collections/planning-practice-guidance>

Further information on the subject of this report is available from Mr A Banks on 01432 383085

2.5 **Malvern Hills AONB Management Plan 2019-2024**

Chapter 1 – Landscape (Policies LP1, LP2, LP3 and LP4)

Chapter 3 – Biodiversity (Policies BP1, BP2, BP3, BP4 and BP5)

Chapter 4 – Historic Environment (HP1, HP2 and HP3)

Chapter 7 – Built Development (BDP2, BDP4, BDP5, BDP11, BDP13)

Chapter 9 – Transport and Accessibility (Policies TRP1, TRP2)

Chapter 10 – Recreation and Access (Policies RP1, RP2, RP5, RP6)

The Malvern Hills AONB Management Plan can be viewed through the following link:-

<http://www.malvernhillsaonb.org.uk/wp-content/uploads/2022/08/19-24-MHAONB-ManagementPlan.pdf>

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following section – Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty; Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONB and Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’

3. **Planning History**

3.1 There is no planning history relating to the site

4. **Consultation Summary**

Statutory Consultees

4.1 Natural England – No objection

(Response received 30 March 2023)

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

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- The recommendations set out in Section 6.3 of the Ecological Appraisal.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Malvern Hills Site of Special Scientific Interest

Further to our previous response to this proposal, Natural England met with the developer and their consultants on 10 March 2023. We discussed the nature of the proposal, the potential for impacts on the Malvern Hills SSSI, and have subsequently been sent an update copy of the Ecological Surveys.

The sections that have been updated are:

5.3.1 c) ii) Bat Foraging and Commuting - on pages 54, 55, 56 and 57,

5.3.1 e) Hazel Dormouse - on pages 59, 60 and 61.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

Natural England welcomes the additional explanation provided, including on why impacts have been ruled out.

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. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Section 6.2 of the Ecological Appraisal.

4.2 Severn Trent – No objection

We have no objection to the drainage proposals, being: surface water to watercourse (will need to be discussed with the LLFA by yourselves) and foul sewage to the public foul sewer (this will be subject to S106 sewer connection approval with STW, details below) subject to the proposals not changing. If they do change, we would request we are re-consulted immediately.

Internal Council Consultees

4.3 HC Built and Natural Environment Team (Landscape) – Qualified comments

I have reviewed the information dated December 2022. I confirm that I attended the meeting where the information was presented by the applicants in November 2022 and I requested the LVA addendum (which did not form part of the meeting).

Design changes - The proposal information is more clearly presented than at the start of the application. The building design has changed in external appearance, so that there is less solid stone walling and softer effects of the timber cladding. The landscape scheme and site layout has changed to create a more useable designed garden around the house, visually connecting the internal and external water features and increased the size of play area and hard surfacing near the house. The drawing 'Landscape and Ecology Detailed Design Plan SKv2' now shows more detail of how the existing boundary vegetation will be retained and the proposed changes will respect this with additional native planting. It is the internal areas, closest to the new building that will accommodate the level changes, new micro-climates and residential uses. It is clearly marked where there are outdoor areas to sit, play and grow, plus the short areas of meadow marked B will also likely be for outdoor amenity use.

Landscape and visual impact – It is agreed with the LVA addendum that the design adjustments do not alter the overall landscape character impact. They remain as being negligible and minor negative in respect to the context, and moderate negative change to the character of the site and immediate surrounds.

It is agreed with the LVA addendum that the design adjustments do not alter the visual effects on long or mid distance views towards the site. The effects at these distances will remain as neutral to minor negative.

The main visual concern is the effect on the closest views from the three site boundaries that have public access. It is agreed that the design adjustments have decreased the visual effect from view point 10 from major negative down to moderate negative, due to the more definite boundary between the usable garden areas and the meadow and the reduction in solid stone walling to the building, which means it presents a softer view and integrates more subtly with the site.

The LVA addendum asserts that the visual effect from view point 4, half way along the public footpath on the southern site boundary, will change from a moderate / major negative to moderate / major positive. This is due to the east west views (VP4A) being enhanced with more native boundary planting and the northern views (VP4B) being users of the footpath who actively choose to look through the small gap into the site and would enjoy looking at the new house and gardens.

Conclusion – The overall landscape effect of this development remains a very fine balance. There would be enhancement through the landscape and ecology scheme, however this is at the detriment of the change of use to residential and the introduction of new built form in the currently open paddock. The negative character and visual changes will only be experienced at a site scale, with neutral to minor impacts to the wider setting or distant views.

Considering the proposal in relation to Core Strategy Policy LD1, the application meets three out of the four bullet points.

- It has demonstrated that the character of the landscape has positively influenced the design of the building and that the nature and site selection does protect the setting of Colwall.
- It does not meet the second bullet point because the AONB requires such high standards compared to elsewhere in the county, the fact that the building is larger than necessary (due to the bulk of the western wing) and the fact that the LVA and LVA addendum both find a majority of negative local impacts in terms of both character and views.
- The application does include a new landscape scheme and management proposals, as required by bullet point 3
- It does maintain and extend tree cover around the boundaries, as required by bullet point 4.

4.4 Built and Natural Environment Team (Ecology) – No objection

Original comments 21 June 2022

The site is within approx. 12m of Malvern Hills Site of Special Scientific Interest (SSSI). This immediate proximity triggers that the LPA fully consider all potential effects from the proposed development on this National Network site (Site of Special Scientific Interest) and ensure there will be adverse effects on the integrity of the SSSI status PRIOR to any planning permission being granted. Natural England will also have to return a formal no objection response in respect of the SSSI. – The Malvern Hills is also a Special Wildlife Site – which is also a required consideration for the LPA but in this instance is covered within the required considerations for the higher status SSSI designation.

Potential Ecological Issues:

The Ecological Appraisal report by Udall-Martin Associates dated July 2021 is noted and refers.

While the habitats recorded on the proposed development site are generally common low-grade habitats, which individually are considered to be of low ecological value together they provide a mosaic of habitats, including mature outgrown hedgerows, trees and bramble scrub, associated with tall herbs, grassland and watercourses. The EA noted the key ecological points as potential damage/disturbance to nearby SSSI/, loss/disturbance/ damage to habitats on the site, spreading non-native shrubs on and off the site, loss and disturbance to native bluebell, loss/disturbance to bat foraging and commuting habitat, harm, injury and disturbance to hazel dormouse and loss of dormouse habitat, harm to nesting birds and loss of bird nesting habitat and harm and injury to reptiles (and common amphibians) and loss of reptile habitat.

While there are no ecological records of important or Protected Species immediately on or adjacent to the site, there are relevant species records within the wider locality. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of

Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:

Construction Environmental Management Plan

While adverse impacts to the SSSI in the close vicinity (and beyond Chase Road) are considered unlikely due to the nature of the proposed development works, due to the close proximity to the site the EA recommends precautionary mitigation measures – these should be adopted in full within a Construction Environmental Management Plan (CEMP). The CEMP should be provided before any work (including site clearance) or equipment and materials are moved on to site and should include 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.

Additional comments received 5 June 2023

- The formal comments by the Statutory Nature Conservation Body (Natural England) ref 427491 dated 30 March 2023 are noted and refer.
- The updated Ecological Appraisal by Udall-Martin Associates dated July 2021 (and as referred to by Natural England) are noted and apply

The LPA has no reason disagree with the comments made by Natural England following their recent visit to the site, discussions with the applicant and their ecological consultants and review of all supplied plans and information (10 March 2023). Natural England had “NO OBJECTION” subject to conditions being implemented on any planning permission granted to secure the detailed recommendations for working methods, mitigation, compensation and biodiversity net gain and the protected species licence requirements as identified in Section 6 of the ecological appraisal.

From available information and with SNCO guidance received, the LPA has no reason to consider that the proposed development would be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

Natural England may still require additional species specific/update surveys as part of their licencing process.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present around the location and using the buildings for roosting. 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 will be requested.

4.5 HC Built and Natural Environment Team (Trees) – No objection

The proposed development of a single dwelling is compliant with LD1 & LD3 from an arboreal perspective.

The impact on existing trees is low in proportion to the overall number that are included on the site. The proposed access requires some felling but these are mostly self-set sycamores of low quality.

4.6 Transportation Manager – No objection

Original comments received 26 October 2021

The local highway authority (LHA) need to understand how the bridge and any retaining structures would interact with the adjoining highway land, for example, how would the earth works supporting Chase Road continue to be supported? Further details regarding the engineering aspect of the bridge and its relationship with highway land and Chase Road are required for the LHA to be able to provide a recommendation.

The visibility splays are considered to be acceptable, as is the level of car/cycle parking, although consideration should be given as to where additional visitors/teenage children would park given the high number of bedrooms.

The first 5m of the access off Chase Road should have a bonded surface such as tarmac, gravel is not acceptable for the first 5m. Gates should also be set back at least 5m from the edge of the carriageway and open inwards (or slide across but not open outwards towards Chase Road).

Additional comments received

Further to the information submitted regarding the retaining of the highway the local highway authority has no objection to the application subject to an AiP (Approval in Principle) being a condition of any planning consent being granted.

4.7 Public Rights of Way Officer - No objection

Public footpaths CW32A and CW34 are just outside the site boundary. Providing they remain unaffected by the development, PROW have no objection to the application.

4.8 Land Drainage Engineer – No objection

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

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

Other Considerations and Sources of Flood Risk

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. We recommend that the threshold levels are raised slightly to prevent ingress.

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. Review of the EA's Groundwater map indicates that the site is located on the boundary of Zone 2 of a designated Source Protection Zone, however this is up gradient of the site.

Surface Water Drainage

We understand that the proposals involve the creation of 730m² of hard standing which would increase surface runoff to the area. There is no clarification on the permeability of the proposed paving which is to be used for the driveway and parking area. We assume from Table 2 within the Drainage Strategy that these areas will be permeable and drain naturally

Table 2: New impermeable areas

Feature	Area (m ²)
Dwelling	680
Access Road	50
Total Area	730

We note the Applicant proposes an attenuation tank as part of the surface water drainage strategy as the topography of the site is not conducive with an attenuation pond. Infiltration testing resulted in shallow groundwater levels and poor infiltration rates.

The attenuation tank has been sized appropriately for a 1 in 100yr plus 40% climate change event and is designed to have a surface area of 25m². The tank will discharge via gravity at a controlled rate of 2l/s through a 63mm orifice to the drainage ditch running along the southern site boundary.

We note that the proposed surface water drainage strategy will not affect the existing drinking water pump system or the water main running parallel to the watercourse.

Foul Water Drainage

We note that the Applicant proposes to connect the proposed development to an existing STWL foul sewer in Ballard's Drive. Correspondence with Severn Trent has been provided and confirms that a connection to the sewer is viable. As the proposals are for one dwelling, there is likely to be a minimal impact on the sewerage network.

Overall Comment

We hold no objections to the proposed development.

4.9 Environmental Health & Trading Standards (contaminated land)

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

Our records indicate a quarry to the east of the development site, given it's not part of the development parcel and on the basis that our records don't indicate it to have been filled, we would recommend the precautionary note below be appended to any approval.

5. Representations

5.1 Colwall Parish Council - Objection

Strongly objects to the proposed for the reasons summarised below;

- It would cause undue harm to the AONB contrary to NPPF 176. It does not enhance the landscape nor the scenic beauty of the AONB.
- It lies outside the Settlement Boundary.
- There is no need for the house and particularly one of its size.

- It fails to satisfy NPPF paragraph 80 (e) in that it is not; truly outstanding, nor *sensitive to the defining characteristics of the local area*
- *It fails to satisfy NPPF paragraph 134 in that it is not; outstanding or innovative or promote high levels of sustainability*

Please refer to the full report and supporting documentation for all the details supporting this objection:

<https://myaccount.herefordshire.gov.uk/documents?id=d643db53-9ba0-11ec-843f-0050569f00ae>

5.2 Malvern Hills Trust - Objection

Object to the application on the following grounds:

Visual Impact

We note that no further amended or updated version of the Visual Impact Document has been lodged with Herefordshire Council. Our previous comments on the visual impact of this proposal remain as before. That, on balance, the overall effect of the proposed development would be detrimental to the natural aspect of the hills.

This is reflected in the applicants VIA document which assesses the visual impact on 13 of the 14 receptor sites as being either Neutral (5) or in one of the Negative Impact classes (8).

Consideration of SSSI and off-site protected species

We note that the applicant or their agent has made contact with Natural England since our last comments were submitted, with regard to protected species and potential impacts on the close proximity SSSI. The subsequent amended comments from Natural England of 30 March 2023 have been noted.

Access and parking

The applicant has contacted us separately to inform us that the ecological appraisal report has been updated to cover issues of unlawful parking on the Trusts verges along Chase Road.

However, on inspection we note the amended wording of the ecological appraisal document does not appear to have addressed the issue of vehicles and parking. The amended wording considers only the storage of materials.

The amended report therefore does not address our concerns about the potential impacts caused by vehicles parking or turning into the development site – particularly during the construction phase – on those Trust owned verges on the east side of Chase Road. These verges are protected under the Malvern Hills Act, and are part of the SSSI area. Therefore our concerns regarding parking and access remain as before.

5.3 Malvern Hills AONB Unit (Now Malvern Hills National Landscape) - Objection

We note that some of the minor details raised in earlier comments have been addressed, however we continue to believe that the development does not meet the requirements of para 134 i.e. that the development: *'reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes' and/or is of 'outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

It is the NPPF's intention that constructing new buildings within protected landscapes should only be done under exceptional circumstances. As stated previously, to meet the very high bar set by

para 134 it is generally accepted that developments should be out of the ordinary, unique, push the contemporary boundaries of construction and design methods and celebrate the local distinctiveness of the area. In addition, the need for sustainability underpins the NPPF and para 134 developments should demonstrate not just energy efficiency but state of the art technologies and new products which push the sustainable housing envelope in ways which are new and innovative.

The design for Glenwood Springs does have merits but the proposed building is very similar in design to others nearby, uses existing design methodology and technologies, retains an exceptionally large footprint and does not add to the sense of local distinctiveness. We continue to liaise with planning and design colleagues from other AONB's on matters such as this and remain convinced that applications approved under para 134 (which are few) in protected landscapes should be exceptional. In comparison to those approved elsewhere in protected landscapes we feel that this is not an exceptional development and we disagree with the applicant's assertion in their recent letter that a high-quality design and build is 'enough' for approval.

In objecting to this proposal we would re-iterate that the AONB Unit is not opposed to new development within the AONB providing it really does enhance the AONB and meet the criteria set out for these exceptional sites. To that end we have recently assessed a proposed development elsewhere within the AONB (planning ref 222077) for a new dwelling in the countryside which we feel is both unique in design and highly sustainable and consequently have made no objection.

• **Biodiversity and effects on the nearby SSSI**

We continue to have considerable concerns about the proximity of the site to the nearby SSSI . We believe the distance to be much smaller than suggested in responses to the application. As noted by others there are a number of mobile scheduled species which are on the site boundary which should receive the highest protection. We do not feel that the information provided addresses this, being largely focussed on the development site itself. We also question the length of existing hedge needing to be removed in order to comply with visibility splays as this is part of an important buffer to the SSSI and plays a role particularly for bats and dormice.

We remain unconvinced about the 'garden' aspects of the site. The house has a very large footprint, allowing a relatively small area in which to create compensatory biodiverse habitats and the 'mosaic' of small habitats suggested seem impractical to both create and manage.

The zoning of the garden area now seems more sensible in terms of family use but will further 'domesticate' the site – something which we are particularly keen to avoid.

We welcome the attempt to bring the water elements of the site into public view but again would query whether this will result in the 'neatening' and domestication of the site, noting, for example that the existing brambles along the waterway will be cleared and '*planted with marginal plant species to develop into a natural riparian habitat*'.

We believe that the Ecological Assessment Report focuses largely on the site itself rather than considering it in context. We would hope that comments made by other conservation organisations familiar with this site and those of experienced local ecologists will be taken into consideration.

We note that the recently submitted Environment Agency comment states that there would be no significant impact on the Malvern Hills AONB. Having queried this we understand that this comment is being re-assessed.

• Visual Impact

We note that the revised LVI prepared in response to the changes made still finds that the impact at 13 of the 14 receptor sites is either neutral (5) or negative (8). This means that the development cannot be seen (as stated in the development documents) as a positive contribution to the AONB landscape.

For the reasons given above, together with those made in previous comments, we continue to object to this application and trust that our comments will be taken into consideration.

5.4 Herefordshire Ramblers Association

There are 2 public footpaths which run along the edge of the site CW34 and CW32A. The proposed change does not appear to have any impact on the footpaths so no objection.

5.5 Public consultation

Objections have been received from 19 local residents. In summary the comments raised are as follows:

- The site lies outside of the settlement boundary as defined by the Colwall NDP
- The scheme does not comply with either the Core Strategy or Colwall NDP
- Incongruous design
- The proposal cannot be described as design of exceptional quality and is not truly outstanding
- Development of the site will have a negative impact on the Malvern Hills AONB
- The development will harm the Malvern Hills SSSI
- The proposals do not satisfactorily mitigate, compensate or enhance the harms caused to protected species
- Loss of green space
- Negative impacts of construction traffic
- Loss of privacy, amenity and overlooking caused to Glenwood
- Disruption to ground may damage natural flow of water from Glenwood Spring
- Ground conditions are such that there is little prospect of draining the site to a soakaway

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213413&search-term=213413

6. **Officer's Appraisal**

Policy context

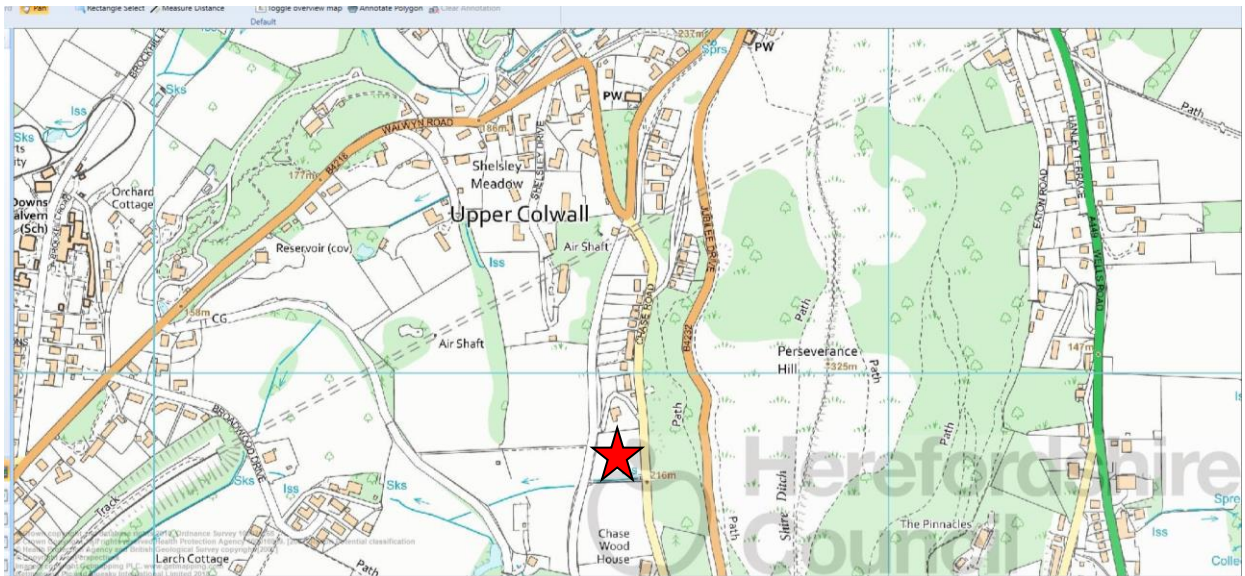
6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states as follows: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The adopted development plan comprises the Herefordshire Local Plan – Core Strategy (HCS). The Malvern Hills AONB Management Plan along with the NPPF are also a significant material considerations.

6.2 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 HCS was adopted on 15 October 2015 and a review was required to be

completed before 15 October 2020. The decision to review the HCS was taken 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. From reviewing those policies within the HCS applicable to determination of the application, they are viewed to be entirely consistent with guidance contained within the NPPF. Significant weighting can be afforded.

Principle of development

- 6.3 The Local Planning Authority (LPA) can currently demonstrate a five-year housing land supply and relevant housing policies are deemed 'up-to-date'. Proposals are considered in the context of a presumption in favour of sustainable development and the decision-making process identified at paragraph 11 of the NPPF. The NPPF also represents an important material consideration in instances where a five-year housing supply can be demonstrated.
- 6.4 In terms of housing delivery, the Core Strategy has identified the hierarchy to which the prerequisite 16,500 dwellings to be delivered over the plan period are to be directed. At the top of the hierarchy is Hereford. In the next tier, are the five market towns. Beneath those are the rural settlements identified under Policy RA2, which includes Colwall.
- 6.5 The preamble to Policy RA2 clearly states that where a NDP is not sufficiently advanced as to define a settlement boundary, applications should be determined spatially "*against their relationship to the main built up form of the settlement*". However, in this case Colwall does have a made NDP and it clearly defines a settlement boundary for the village. This is concentrated around the main aert of the village. Upper Colwall; to which the application site is locationally more closely related to, is not included within the settlement boundary.
- 6.6 Accordingly, for the purposes of a policy assessment, the site is considered to be open countryside and should therefore be considered against RA3 of the Core Strategy. Whilst policy CD8 of the NDP does refer to development in the countryside, it defers to the exceptions set out by RA3 as to when new residential development may be permitted. In this case the proposal relies on the fifth criterion of policy RA3. It potentially allows development if it; "*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*". Paragraph 55 relates to the original 2012 iteration of the NPPF, which is now paragraph 84(e) under its most recent December 2023 revision.
- 6.7 Paragraph 84(e) of the NPPF requires:
- that design is of an exceptional quality in that it:*
- *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 6.8 The precursor to this is that planning policies and decisions should avoid the development of isolated homes in the countryside, unless there is exceptional justification. Case law has established what the meaning of isolated is taken to be, and it is accepted by all parties that, in this case, the site cannot be considered as such. Members may take their own view of this, but, as the plan below shows, with the site identified by the red star, its close relationship with the built form of Upper Colwall can only reasonably lead one to conclude the same:



6.9 However, not being isolated is a benefit of the scheme insofar as it better relates to an established character and pattern of development. The site has a clear and obvious visual and physical relationship to the main built form of Upper Colwall, and indeed the pattern of development more widely. It would seem irrational to refuse planning permission for a scheme that complies with the requirements of paragraph 84(e) in all respects, save for the fact that it was not isolated.

6.10 Given that Members are being asked to consider this proposal as one that is of *outstanding design*, Paragraph 139 of the NPPF offers some further assistance. It says that *significant weight* should be given to:

outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.11 Assessment of the principle of development relies much on the design and impact on setting, particularly in the context of the environmentally sensitive nature of its surroundings. The proposal is considered below in the context of all relevant planning matters, before reaching a view on whether it is acceptable in the context of paragraph 139.

Accessibility and sustainability of location

6.12 The site is within close proximity to Upper Colwall and is within 150 metres of the Chase Inn. It is within a walkable or cycling distance from Colwall itself, which has a range of local facilities, including Colwall railway station, which itself provides sustainable transport links to Malvern, Worcester, Birmingham, Ledbury, and Hereford. Although it is not located within the settlement boundary for Colwall, it is considered that the site has a location that offers prospective residents a genuine choice of travel modes, and so is compliant with policy SS4 of the Core Strategy.

Design

6.13 Paragraph 8 of the NPPF introduces the concept of beautiful places, explaining the social role of sustainable development embraces “*well-designed, beautiful and safe places*”. This provision is repeated throughout, and has been reinforced by the recent amendments made in December 2023, particularly now at Chapter 12 which is titled ‘*Achieving well-designed and beautiful places*’. Paragraph 131 makes clear the importance of design and beauty in achieving sustainable development, with paragraph 139 that significant weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area, where they fit with the overall form and layout of their surroundings. Paragraph 135(c) is also important in the

assessment of this proposal as it highlights a need for development to reflect local character, subject to the caveat that appropriate innovation or change should not be prevented. It is clear that the NPPF seeks to promote good design, and that local planning authorities should not seek to stifle innovation.

- 6.14 The Core Strategy also emphasises importance of design, although not in quite the same explicit terms as the current NPPF, given that it was adopted in 2015. Strategic policy SS6 requires that proposals are assessed for their impact on townscape and landscape. Policy SD1 is a criteria-based design policy which encourages development which maintains local distinctiveness. However, the policy also explains that proposals should contribute to the architectural diversity of the area, including through innovative design. Strategic Policy SS7 requires, inter alia, that design solutions are resilient to climate change. The Colwall NDP does however provide more detailed and up to date policy guidance, with policy CD8 being particularly clear about the way in which development should be informed by landscape character and topography, and through the careful choice of materials. Similar themes run throughout chapter 7 of the Malvern Hills AONB Management Plan.
- 6.15 The proposal has been designed in a manner that responds to its surroundings. It is discretely positioned amongst existing vegetation in a manner minimises its visual impact; a subject that will be discussed in greater detail later. It takes account of the surrounding landscape and takes advantage of the topography of the site to create a dwelling that integrates well and will not appear overly dominant.
- 6.16 The building is split into two, two-storey buildings joined by a central atrium which allows views across the site and allows the landscape to continue into the space between buildings. Double height circulation spaces are intended to allow for future proofing of the house, the void spaces would potentially allow for future lift provision between all floors without disruption to the layout. Bedrooms are also designed to allow future adaptation between bed space and bathroom facilities. The cross section below demonstrates the link between the main elements of the building and how they take advantage of the topography, particularly in the the part of the building closest to Chase Road will only appear as single storey:

Cross section through the building showing the topography of the site



- 6.17 Vehicular access is to be taken from Chase Road. The design has taken account of the potential visual impact that an area of hardstanding and parked cars might have on the wider setting of the area, and the topography of the site. Accordingly the proposal has been designed with a covered parking area incorporated into the overall design of the building. A discrete entrance will include a short, bridged access into the covered parking area. A more traditional approach would perhaps

have been to create a flat area adjacent to the building with retaining walls to inset such an area into the landscape. As proposed, this intervention is limited and surface water run off from hard surfaces is also reduced. A visual representation of the access and its appearance from Chase Road is shown below:

Proposed access from Chase Road



- 6.18 The submission advises that an environmental approach has been adopted as part of the design process through the use of passive devices, a fabric first approach combined with technology. Passive environmental devices include the orientation of the building. The two storey volumes integrate large overhangs, as well as deeply recessed glazing, and external sun shading louvres to prevent overheating in the summer whilst allowing the lower winter sun to penetrate deep into the building. This modelling also contributes to the reduction of light spill from the building and reflection from the glazing.
- 6.19 Furthermore, the scheme incorporates innovative technologies for energy generation and storage. This will be discussed later, but is one aspect of the scheme which, in officers opinion, does make this scheme particularly innovative.
- 6.20 Policy CD8 of the NDP emphasises the need for external materials to be non-reflective, and elsewhere for measures to be employed to limit light spill. The second of these points has clearly been considered through the recessing of window openings, but there is always a balance to be struck in terms of the amount and orientation of glazed elevations when considering passive environmental design. Officers take the view that the proposal strikes the correct balance in this regard with the deeply recessed openings that are proposed on the southern and westerly facing elevations.
- 6.21 In terms of the choice of materials, it is clear that some careful thought has already been given to this. The intention is that the wild grass roof is to be sourced and grown locally and will contain a specified mix of species to be agreed in line with our landscape and ecologist requirements. This can be suitably addressed through the landscaping conditions proposed. The submission also indicates an intention to use locally sourced quarry dust as a condiment to a lime render mix, along with locally sourced stone. The provision of sample panels on site prior to construction is mentioned in the design statement, and again, is something that can be appropriately conditioned should planning permission be forthcoming. In terms of timber cladding, the applicant has indicated an intention to use the limited amount of sycamore that would be removed to create the site entrance. The design statement advises that the sycamore

Further information on the subject of this report is available from Mr A Banks on 01432 383085

can be thermally treated to become durable for external use. This is considered to be an exceptionally sustainable approach to sourcing building materials and is compliant with CD8 of the NDP and SD1 of the Core Strategy.

- 6.22 In terms of the design of the dwelling itself, officers are of the opinion that the scheme is a one-off exceptional contemporary design. It will add to and enhance the architectural distinctiveness of the area whilst blending into the landscape, taking advantage of existing vegetation and the topography of the site. It is therefore considered that the scheme offers a design of exceptional quality that complies with policy RA3 of the Core Strategy and paragraph 139 of the NPPF.

Innovation and addressing climate change

- 6.23 The dwelling delivers a truly sustainable design, which is energy efficient, and includes on site energy generation and storage. Officers take the view that this ensures delivery of a scheme which responds to the Council's Climate and Ecological Emergency.
- 6.24 The proposal demonstrates a fabric first approach to development which aims to reduce energy usage. It combines passive principles, thermal massing, and air tightness to ensure that the least amount of space heating is required. The southerly and easterly aspect in concert with large openings maximises solar gain in the winter months which naturally heats the building. Energy efficient measures are also included to reduce the demand for energy use. The dwelling will have an extremely high level of insulation and will have very low air-leakage.
- 6.25 Where space heating is required, on site generation is proposed. Photovoltaic and solar thermal panels are included to provide electricity and hot water. The panels are incorporated into the design as a series of louvres integrated into the detail of the atrium roof. The louvres will also provide another benefit of shade to the atrium acting as a brise soleil to prevent overheating of the atrium itself. However, this will only be sufficient for usage in summer months.
- 6.26 The submission considers the shortcomings of these sustainable solutions for energy and hot water provision, identifying that there will be a surplus in the summer months (when the sun should be shining more and for longer periods of the day), but will not produce the same amounts during the winter months. One solution proposed is the inclusion of a scalable battery system, such as the TESLA power wall which will store energy created by the solar panels.
- 6.27 However, storing the excess heat from the solar thermal panels for use in the winter is more difficult. In order to address this, the proposal will also incorporate Earth Energy (Thermal) Banks underneath the building footprint. The intention here is that the heat generated by the panels will generate more heat than needed in the summer months and this can be pumped in the ground (Earth Energy Bank) via a series of Glycol (a heat transfer liquid). Officers consider this to be a unique and innovative solution to energy storage.
- 6.28 The outstanding design of the dwelling relies on a detailed analysis of local built and natural character. The building has a bold and innovative appearance yet is one which is a part of the landscape, and which reflects the form of its surroundings. It also utilises physical sustainability measures and on-site energy generation that aims to be self-sufficient. The The proposal also minimises building miles by sourcing materials locally. For these reasons, the proposals reflect the highest architectural standards as required by Paragraph 139 of the NPPF.
- 6.29 For these reasons, your officers consider that the proposal is genuinely highly sustainable and maximises the use of physical sustainability measures to reduce energy need. The proposed designs exceed the provisions of Core Strategy Policies SS7 and SD1, and the environmental and sustainability proposals will help address the Council's declared climate emergency.

Landscape

- 6.30 The site is within the Malvern Hills National Landscape and; as the re-branding suggests, is of national importance. The primary purpose of the designation is to conserve and enhance the natural beauty of the landscape. In this respect the area's natural beauty is deemed to include its geology, climate, soils, animals, communities, archaeology, buildings, the people who live in it (past and present) and the perceptions of those who visit it.
- 6.31 The Malvern Hills AONB Management Plan (2019 – 2024) describes the AONB as follows:
- “...the special quality of the Malvern Hills lies in its contrasts. The distinctive, narrow, north-south ridge, a mountain range in miniature, thrusts unexpectedly from the pastoral farmland patchwork of the Severn Vale. The highest point is Worcestershire Beacon (425m) and walkers along the ridge crest enjoy views as far as Wales and the Cotswolds. The geological variety, and thousands of years of traditional farming have given the AONB great ecological value. Herb-rich, unimproved pastures and native woodland support a wealth of habitats, species and wildlife. In addition, a historical landscape, the ridge is crowned by two ancient hill forts, the most famous being the ditches and ramparts of British Camp.”*
- 6.32 Paragraph 182 of the NPPF requires that great weight is given to conserving and enhancing landscape and scenic beauty in AONB's with the scale and extent of development within AONB's being limited.
- 6.33 Having visited the site, and contrary to some of the representations that have been received, officers take the view that the site is not visually prominent. It is currently obscured from view from Chase Road by the existing Sycamore trees that form the site boundary. It sits in the immediate shadow of the Malvern Hills and is not visible from the top of the hills – longer distance views are over the site towards Colwall and beyond, nor when looking back towards the hills from lower levels. The photographs below show the site as viewed from Chase Road, and a long distance view from Broadwood Drive in Colwall:

View along Chase Road with Sycamore trees and site to the right



Looking towards the site and Malvern Hills from Broadwood Drive, Colwall



6.34 The site is not prominent from the public highway. However, public footpaths do run that runs alongside the southern and western boundaries from where the development would be more visible. At present, there are more open, short distance views that can be gained from the footpaths. The photograph below is taken from the south western corner of the site:

View from public footpath at south-west corner of the site



- 6.35 Whilst officers take the view that the principal assessment of this proposal should be on the basis of paragraph 139 of the NPPF, the requirements of paragraph 84(e) are still of relevance, and the notion that development should significantly enhance its immediate setting. This is a difficult premise to rationalise in landscape terms as it might be contended that any development detracts, and not adds to it. However, there is a balance to be struck between erecting a building of a quality which is worthy of being seen and a proposal which retains the qualities and distinctiveness of the area.
- 6.36 The application is accompanied by a comprehensive Landscape and Visual Appraisal (LVA). The LVA sets out a design process which includes engagement with stakeholders as previously set out. The detailed description of the design evolution, including design amendments in response to a meeting or receipt of advice, clearly demonstrates a highly iterative and landscape-led approach. Analysis of the effect on the landscape overlaps significantly with the landscape and architectural design considerations identified earlier in this report.
- 6.37 The scheme would deliver extensive landscape and biodiversity enhancements, mainly through appropriate planting and habitat creation which are described in detail in the Landscape and Ecology Design and Management Strategy. The proposed landscape improvements include:
- The creation of species-rich grassland including a wildflower meadow;
 - Creation of a wildflower green roof;
 - Creation of wildlife pools and boggy areas;
 - Planting of native species-rich hedgerows and shrubs including to gaps in existing hedgerows lines;
 - Planting native species trees including to gaps in the existing tree line;
- 6.38 It is also noted that the proposals introduce very little by way of hard landscaping, primarily due to the fact that car parking provision is made within the building as described earlier in this report.
- 6.39 The view as to whether the proposals represent a landscape improvement beyond the overgrown appearance of the site as it exists at present is very much a matter of judgement. The comments from the Council's Landscape Officer conclude that the overall landscape effect of this development remains a very fine balance. The officer takes the view that there would be enhancement through the landscape and ecology scheme, but that this would be to the detriment of the change of use to residential and the introduction of new built form in the currently open paddock. They also concludes that the negative character and visual changes will only be experienced at a site scale, with neutral to minor impacts to the wider setting or distant views.
- 6.40 The incremental effect of small developments, such as single dwellings, can encroach on and erode the landscape features and special qualities of designated landscapes. However, in this case, the application demonstrates that the character of the landscape has positively influenced the design and there is a suitable balance of scale between the change to residential use and the landscape enhancements provided across the site. The scheme has an outstanding and unique design which responds to and is wholly influenced by its landscape setting and the character of the local built environment as previously outlined. On balance, the proposal will be a positive but discreet element in the landscape and it is concluded that the proposals accord with policies LD1 and LD3 of the Core Strategy, CD1, CD2 and CD8 of the Colwall NDP and Chapters 12 and 15 of the NPPF and the AONB Management Plan.

Ecology

- 6.41 The site is generally overgrown with brambles and other self-sown native species. The application is supported by a detailed ecological appraisal, founded on the basis of a series of surveys of the site undertaken across several months in 2020 and 2021. It identifies a number of ecological constraints which include:

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- damage/disturbance to SSSI/SWS in the close vicinity,
- loss/disturbance/damage to habitats on the site,
- spreading non-native shrubs on and off the site,
- loss and disturbance to native bluebell,
- loss/disturbance to bat foraging and commuting habitat,
- harm, injury and disturbance to hazel dormouse and loss of dormouse habitat,
- harm to nesting birds and loss of bird nesting habitat and
- harm and injury to reptiles (and common amphibians) and loss of reptile habitat.

However, the appraisal also goes on to say that there are significant opportunities for net ecological gains and biodiversity benefits through habitat creation, native planting, habitat management and enhancements for faunal species. These include:

- National and county BAP habitats are proposed to enhance the biodiversity of the site and provide opportunities for significant biodiversity gains for the project.
- The creation of wildlife pools and boggy areas, native species-rich wildflower meadow and green roof, flower-rich lawn, native and some non-native trees and shrubs, native species-rich hedgerows and bluebell bank/woodland flora areas.
- Gap up the existing hedgerows will be planted up with a variety of native shrubs.
- Faunal species enhancements proposed comprise the following: bat voids (for horseshoe bats and crevice dwelling bat species) and swallow and house sparrow nest boxes on the new house, bat boxes, bird boxes, hazel dormouse nest boxes, insect boxes and hedgehog boxes.

- 6.42 The report identifies the fact that the site is within 12 metres of the Malvern Hills SSSI (on the opposite side of Chase Road and the potential for impacts upon it, particularly during the construction phase. The comments from the Malvern Hills Trust also reference this in their comments and highlight the over-running of grass verges and indiscriminate parking having a negative effect on the SSSI. The specific concern is that delivery vehicles are likely to exacerbate this, and that vehicles will also over-run the verges once the development is complete.
- 6.43 The metalled carriageway of Chase Road is approximately 3 to 3.5 metres wide; insufficiently wide for two vehicles to pass one another. The over-running of the verges is a pre-existing problem that will continue, irrespective of whether planning permission is granted for this proposal or not. The design of the access for the completed dwelling gives no reason to suggest that it will significantly compound this existing issue – no objection has been made by the Council's Transportation Manager – and concerns about delivery vehicles can be appropriately addressed through the inclusion of a condition to require the submission and approval of a construction management plan prior to the commencement of development.
- 6.44 It is noted that, having considered the ecological appraisal and its recommendations, no objection has been raised to the proposal by either the Council's Ecologist or Natural England. Officers are satisfied that the proposal does not cause unacceptable harm to designated sites, priority species or their habitats, whilst net biodiversity value of the site is significantly enhanced. The proposal accords with the provisions of policy LD2 of the Core Strategy and the provisions of the NPPF in this regard.

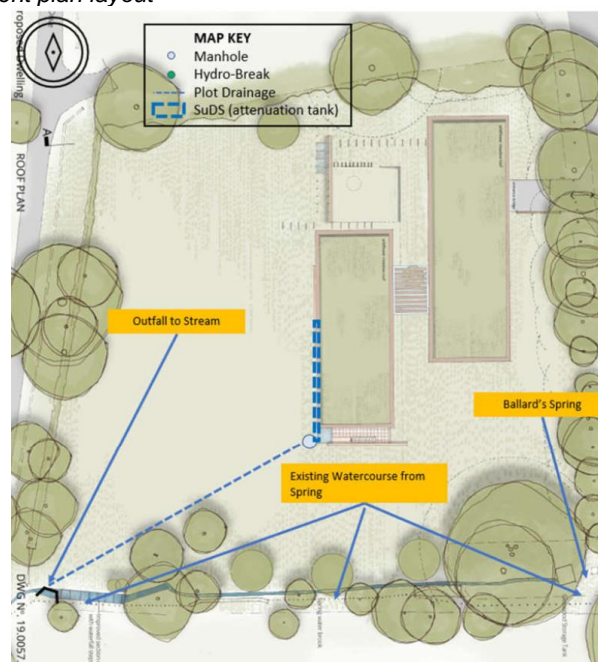
Transportation

- 6.45 Policies relevant to matters of access and highway safety include SS4 and MT1 of the Core Strategy, CD2 of the Colwall NDP paragraphs 114–116 of the NPPF. Whilst some concerns have been raised locally about the visual impact of the proposed access, the increase of vehicle movements along Chase Road and the impacts of construction traffic, no objection has been received from the Council's Transportation Manager. Whilst Chase Road is a narrow carriageway, an acceptable means of access can be provided without detriment to highway safety, subject to conditions. These are reflected in the recommendation at the end of this report.
- 6.46 Colwall is one of the most sustainable villages in the county in terms of availability of transport links, particularly the railway saturation and its links to Birmingham, Worcester and London. The site is within walking or cycling distance of the station via Chase Road and Walwyn Road, with the latter having a footpath for its entire length.
- 6.47 It is therefore concluded that the development is acceptable in terms of accessibility and highways safety. On this basis, the proposals are considered to comply with policies SS4 and MT1 of the Core Strategy, CD2 of the Colwall NDP and the NPPF.

Flood Risk and Drainage

- 6.48 The application is accompanied by a Surface Water Management Plan and Foul Drainage Strategy. The relevant policies to flood risk, water quality and drainage are SD3 and SD4 of the Core Strategy.
- 6.49 Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low probability Flood Zone 1 for river flooding, and is similarly at low risk of surface water flooding.
- 6.50 A mains drain connection is available for the disposal of foul waste and comments from Severn Trent confirm that they have no objection to the scheme. Infiltration testing has confirmed that the soil conditions are not suitable for the use of sustainable drainage methods to deal with surface water runoff and therefore the provision of an attenuation tank with a regulated outfall to a watercourse is proposed. The layout of this is shown below:

Surface water management plan layout

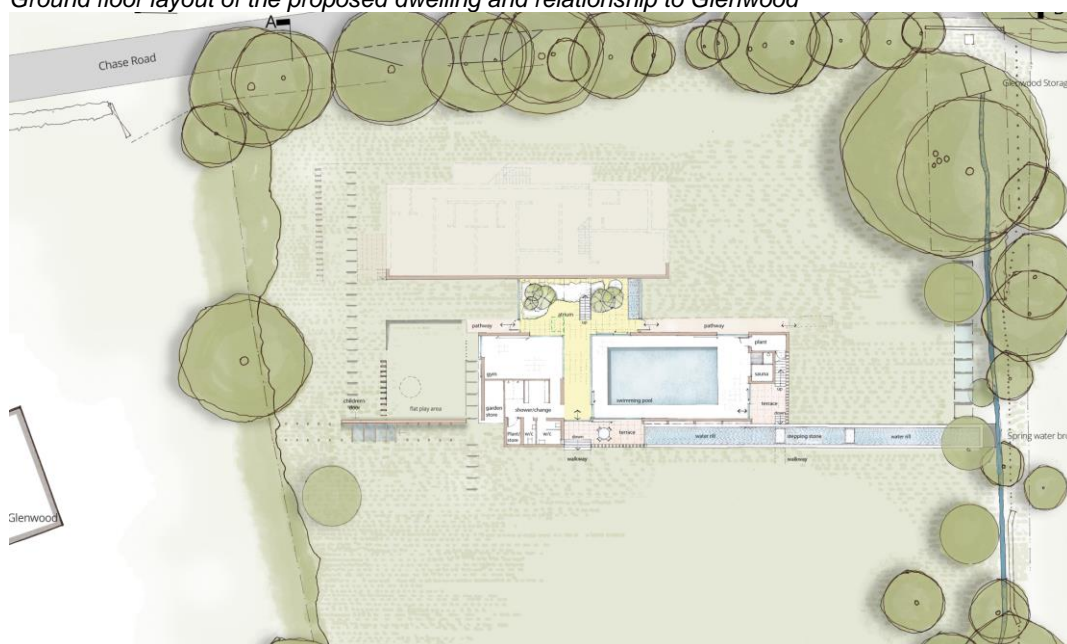


6.51 The point of discharge is gravity fed and falls within the application site. It should be noted that the land drainage engineer has raised no objections to the proposed development. Foul drainage is in accordance with the drainage hierarchy set out in Policy SD4. The surface water management plan would ensure water quality is maintained and does not increase run off from the site. It is therefore concluded that the proposals comply with the requirements of policy SD3 and SD4 of the Core Strategy.

Residential Amenity

6.52 Concerns have been raised through the public consultation process about the potential impacts of the development on the privacy and amenity of Glenwood; the property most closely related to the application site. It lies approximately 13 metres from the shared boundary with the application site. Whilst the entirety of the footprint of Glenwood is not shown on the plan below, it does provide an indication of the relationship between it and the proposal. There will be a distance in excess of 30 metres between the buildings.

Ground floor layout of the proposed dwelling and relationship to Glenwood



6.53 The photograph below is taken from within the site at the boundary with Chase Road. An obscured view of Glenwood is achieved and it can be seen that a first floor window looks out across the application site. However, given the distances involved, the relationship between the two is not considered to be unacceptable and it is not considered that the proposed development will cause such a detrimental impact of residential amenity to justify refusal on such grounds. It is therefore concluded that the scheme complies with policy SD1 of the Core Strategy in this regard.

View from eastern boundary of the site looking north west towards Glenwood



Heritage

- 6.54 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.”
- 6.55 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.
- 6.56 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.
- 6.57 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.
- 6.58 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.

- 6.59 In this case the site is not within a conservation area nor does it contain or adjoin any designated heritage assets. There are no listed buildings within the locality and consequently it is concluded that there are no demonstrable impacts on heritage assets.

Summary and Conclusion

- 6.60 On the basis that the proposal complies with policy RA3(6) of the Core Strategy, the proposal is fully policy compliant. The scheme would provide a benchmark for addressing climate change in terms of sustainable and innovative approaches towards energy efficiency and generation; in particular the inclusion of the thermal Earth Energy Banks. This demonstrates a particular regard for the Council's declared Climate Emergency.
- 6.61 The proposed development is predicated on detailed analysis of the built and natural setting of the site. It includes a detailed assessment of building sizes, forms, and styles. The design process builds on this analysis and delivers a contemporary development that upholds the character and distinctiveness of the area. Furthermore, the proposal delivers a contemporary design both in terms of appearance and in how it addresses climate change. It is important to note that the NPPF and Core Strategy both encourage innovation and architectural diversity and officers take the view that this is the case here.
- 6.62 There are no technical matters outstanding and, on balance, the proposal is considered to be comply with the Development Plan and is acceptable. Accordingly the application is recommended for approval.

RECOMMENDATION

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

Standard conditions

1. C01 - Time limit for commencement (full permission)

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. C06 – Development in accordance with approved plans

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

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

3. CCK – Details of slab levels

Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwelling approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. 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.

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.

5. Construction Management Plan

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.

6. Ecological Protection (including Protected Species)

The ecological protection and working methods scheme, compensation, mitigation and biodiversity net gain, including requirement for any relevant protected species licences from Natural England to be obtained prior to any works commencing on site, as detailed in Section 6 of Ecological Appraisal by Udall-Martin Associates dated July 2021 and supporting plans and designs for the development submitted by the applicant and approved as part of this planning permission shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the 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.

7. Samples of external materials

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

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

8. Landscape Scheme

With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The plans shall be at 1:200 or equivalent scale to communicate the information clearly. These details shall include:

- a) A landscape plan showing existing and proposed finished levels or contours.
- b) A drawing detailing hard surfacing materials.
- c) Detailed construction drawings of water features (rills, waterfall steps, and boggy areas); green house; compost; sit and play area; rockery.
- d) Boundary treatments and means of enclosure.
- e) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- f) An implementation programme – setting out phasing of work.

Landscaping shall be carried out in accordance with the approved details and programme of implementation.

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

9. Landscape Management Plan

Before the development is first occupied a schedule of landscape management and 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 the approved schedule. This should include protection of visual amenity, management of retained trees and vegetation and habitat creation and monitoring.

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

10. Efficient use of water

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

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

11. Nature Conservation – Biodiversity and Habitat Enhancement

Prior to first occupation of the approved dwelling an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, bat roosting and hedgehog home features located on land under the applicant’s ownership shall be supplied for written approval by the planning authority.

The ecological mitigation, compensation and enhancement measures as recommended in the ecology report by Udall-Martin Associates dated July 2021 shall be fully implemented and hereafter maintained as stated unless otherwise approved 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.

12. 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

13. Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for landscape improvement and development – B J Unwin – Forestry Consultancy

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14. Access gates**
Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

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.

- 15. C65 – Removal of permitted development rights**
Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

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

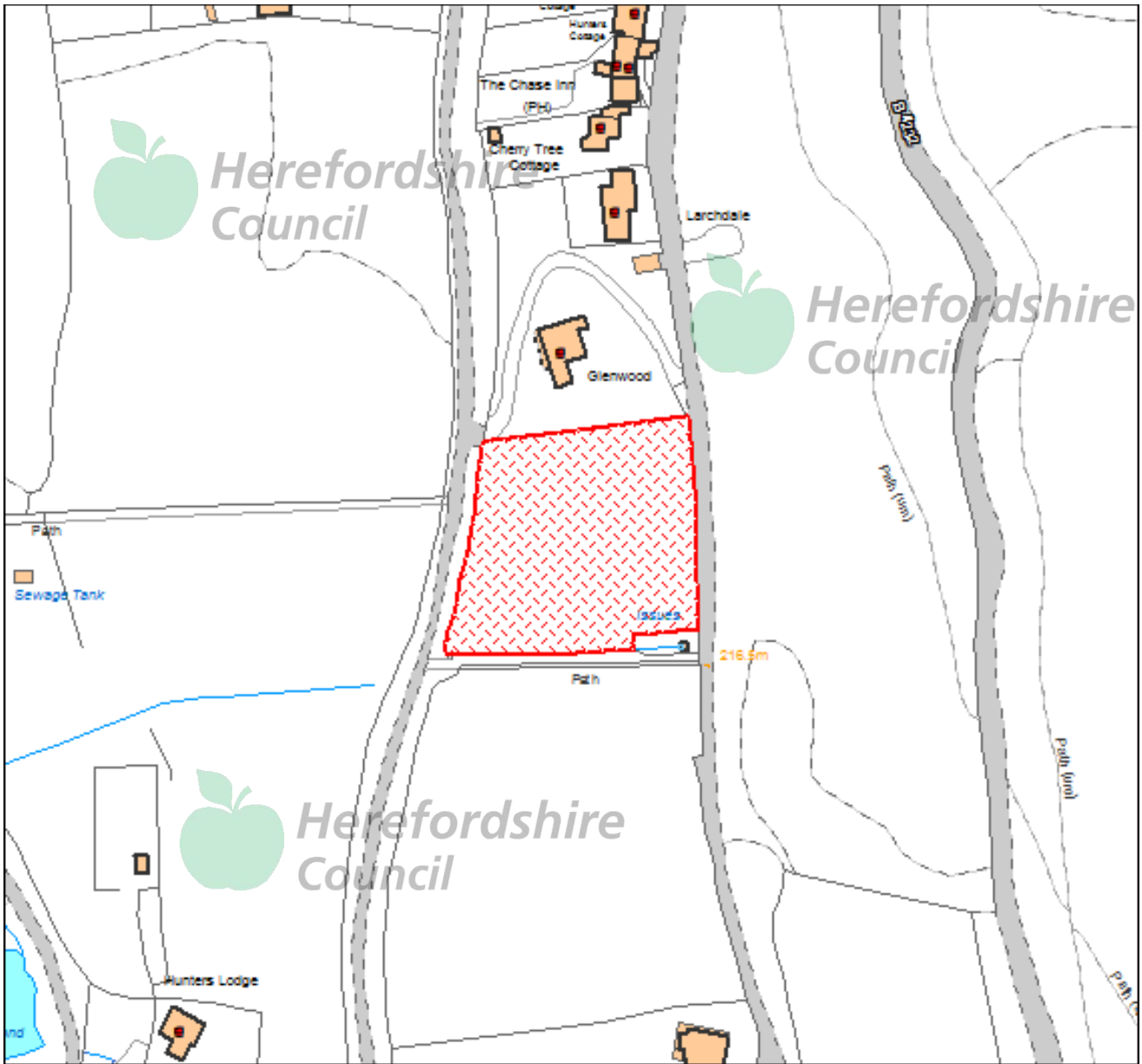
INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The proposed development is near to a former quarry. Because of this the applicant should consider the installation of precautionary gas protection measures/membranes in the development as a matter of course or seek specialist advice.**
- 3. 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 advised that advice from a local professional ecology consultant is obtained.**

Decision:

Notes:

Background Papers – none identified



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APPLICATION NO: 213413

SITE ADDRESS : GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th March 2024
TITLE OF REPORT:	231703 - DEMOLITION OF EXISTING HOTEL AND ASSOCIATED STRUCTURES AND ERECTION OF CLASS E FOODSTORE WITH ASSOCIATED ACCESS, PARKING, SERVICING, DRAINAGE AND LANDSCAPING. AT THREE COUNTIES HOTEL, BELMONT, HEREFORD, HR2 7BP For: Lidl Great Britain Ltd per Mr Peter Waldren, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231703&search-term=231703
Reason Application submitted to Committee – Redirection	

Date Received: 1 June 2023

Ward: Belmont Rural

Grid Ref: 349683,238587

Expiry Date: 20 March 2024

Local Members: Cllr Mark Dykes

Cllr Kevin Tillet and Cllr Jacqui Carwardine (adjoining ward Members)

1. Site Description

- 1.1 The 'Three Counties Hotel' is set back off Belmont Road (A465) Hereford to Abergavenny road and located in the south west of Hereford about 1.5 miles from the City Centre. The application site is about 1.66 hectares in size and currently has landscaped gardens (pond and patio area to the front which established trees) as well as car parking. The site is bounded by Belmont Road to the south, residential properties within Glastonbury Close to the north and east. To the south east is a wooded area and adjacent to that a 'Drive Thru' restaurant (McDonalds). To the west beyond the car park are residential dwellings in Flaxley Drive. The Newton Brook runs adjacent to the site to the west. The brook runs from Waterfield Road under Belmont Road and up alongside the Three Counties Hotel then into Glastonbury Close which also runs between Golden Post and Sydwell Road. Residential properties on the periphery of the site are a mix of semi-detached, terraced and detached properties.
- 1.2 A Tree Preservation Order covers 4 individual trees across the site, ref T1, T2, T3, & T4. The site is not located within a designated area known as a national Landscape (previously known as area of Outstanding Natural Beauty). The site lies within Flood Zone 1 (low risk of flooding). The site is not located within or adjacent to a Conservation Area and there are no heritage assets (including non-designated heritage assets) within the site, adjoining the site or in close proximity.
- 1.3 The existing hotel (now closed) had 60 bedrooms with 32 located in an annex to the rear (known as the Garden Rooms). When in use as a hotel it also has an ancillary bar and conference rooms.

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

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

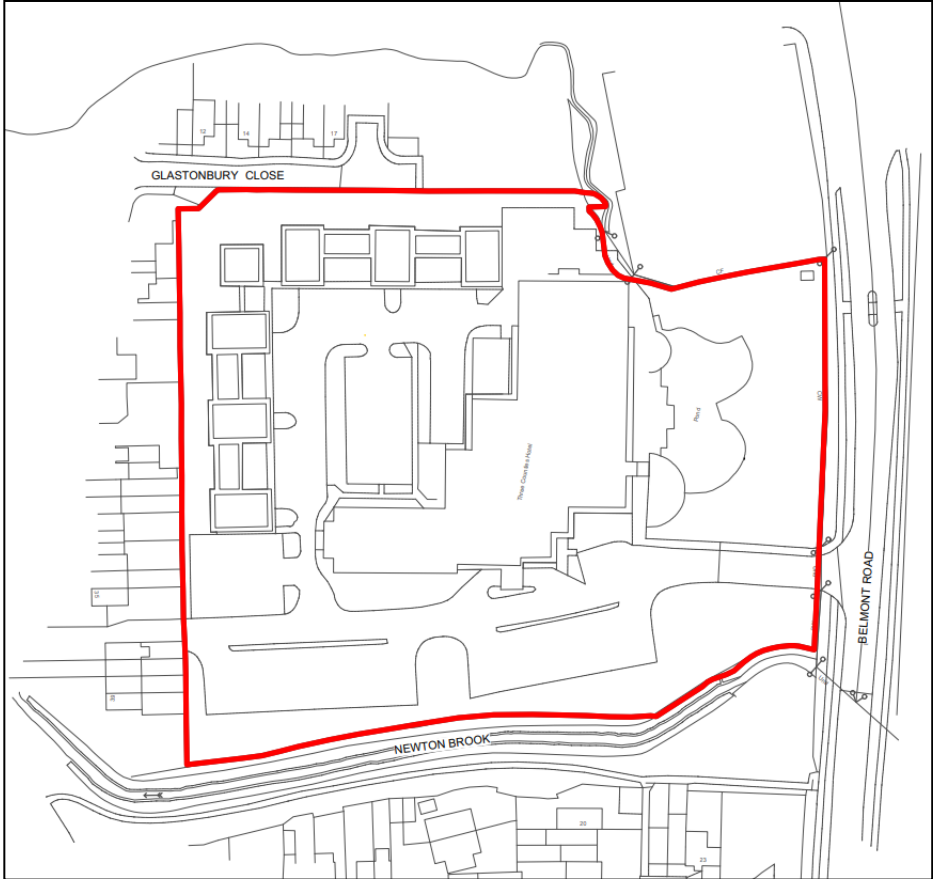


Figure 1: Site Location Plan



Figure 2: Aerial Plan

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

Proposal:

- 1.4 This 'full' application proposes the demolition of the existing hotel and associated structures and the erection of a Class E food store with associated access, parking, servicing, drainage and landscaping. The proposed site layout (as amended) can be seen below:

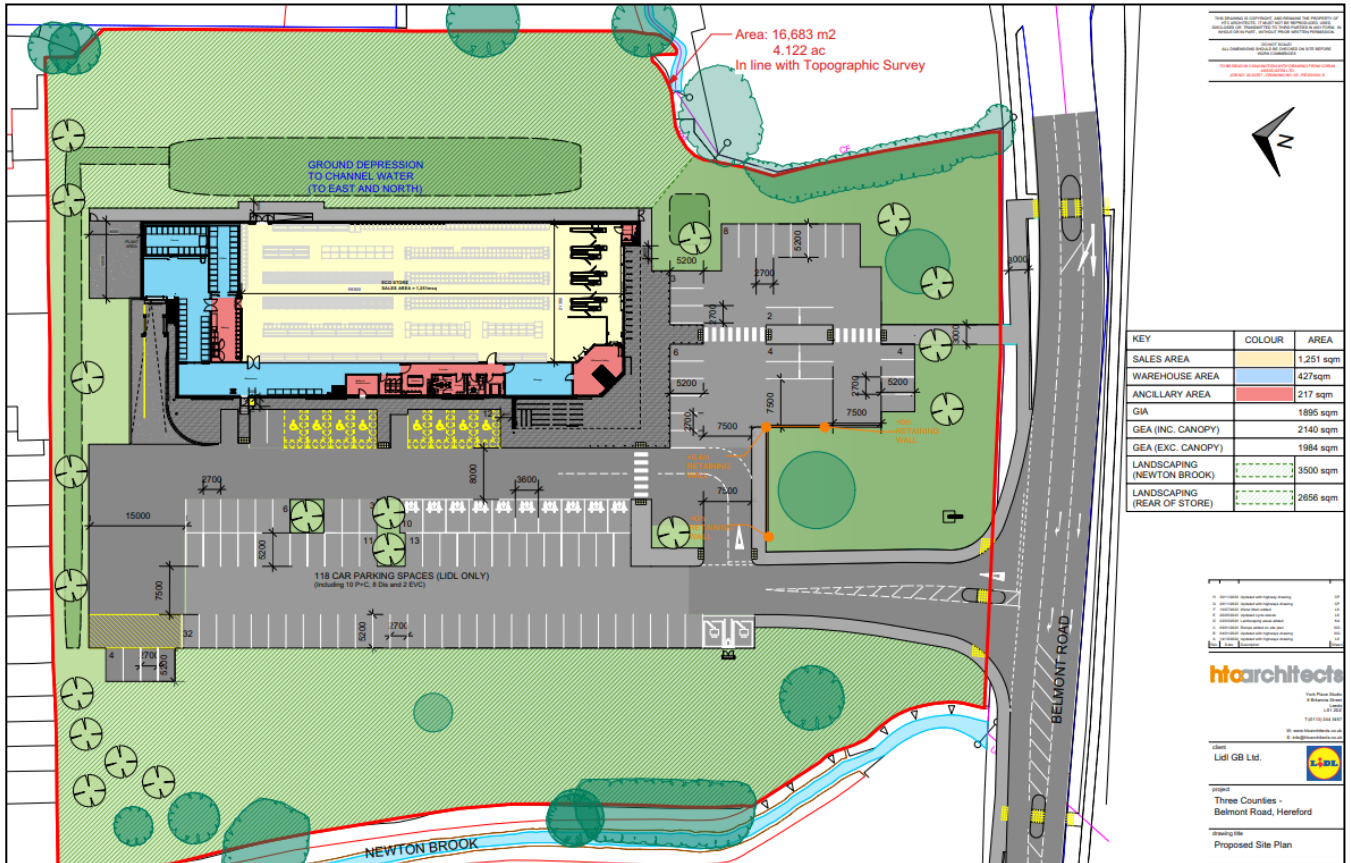


Figure 3: Proposed Site layout Plan

- 1.5 The proposed retail store to have a floorspace of 1,984 sqm (GEA) (excluding the canopy) with a sales area of 1,251 sqm. This is reduction of 163 sq metres (net) from previous application which was withdrawn (app 221090). This proposal was also positioned closer to the eastern boundary. This proposal has a reduced sales area and store footprint. The proposed layout shows a car park with 118 spaces including 8 accessible bays (at the front of the store), ten parent/child spaces as well as 2 electric charging bays. A cycle stand is proposed to be located close to the store entrance with a cycle route from the entrance. The retail unit has been positioned on site to provide an active frontage along Belmont Road with the entrance also located via Belmont Road. The unit as shown below is of a modern contemporary design and to have a fully glazed shop front fronting the southern car park and this is complemented by the use of grey cladding and white cladding and areas of render. The store to have a modern mono pitch roof design.
- 1.6 The proposed layout provides a safe route from the parking spaces to the store entrance, pedestrian routes and crossings provide a series of options for pedestrians accessing the store, access for pedestrian and cycles. A new site access is to be formed to provide level access to the site from Belmont Road and deliveries the store to be located at the rear. A new pedestrian island has been created at the entrance into site as well as proposing off site highway work including the widening of footpaths and enhancement of the existing cycle route to the store.

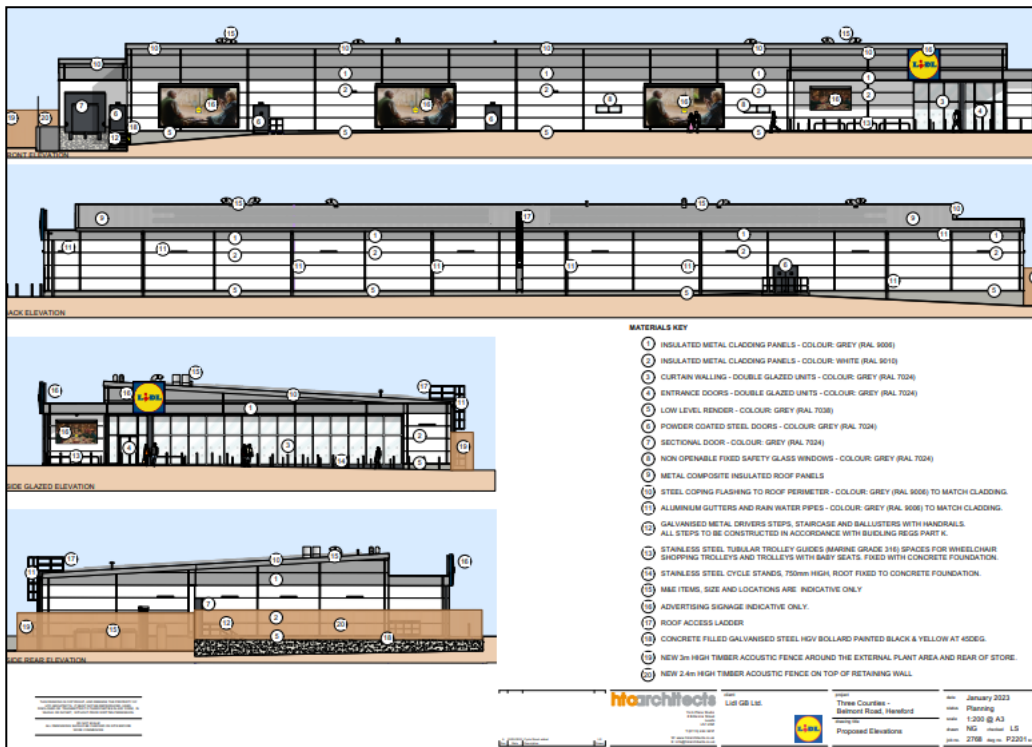


Figure 4: Proposed Elevations

1.7 The following trading and delivery hours are sought:

Trading:

Monday to Saturday Including Bank Holidays: 08:00 - 22:00
Sundays: 10:00 - 16:00

Deliveries:

Monday to Saturday: 07:00 - 23:00
Sundays: 10:00 - 16:30
Bank Holidays: 08:00 - 18:00

Environmental Impact Assessment Screening

1.8 Under Regulation 8 (1) of the Town and Country Planning (Environmental Impact Assessment Regulations 2017), the Local Planning Authority must adopt a screening opinion for applications for Schedule 2 Development. This application proposal was subject to the issuing of a formal screening opinion by the Council as the Local Planning Authority. This concluded that this development would have some impact on the surrounding area. However, it was judged that these would not be significant to warrant a formal Environmental Impact Assessment and that the formal opinion of Herefordshire Council, is that an Environmental Impact Assessment is not required to accompany this application in this instance.

1.9 The application has been supported by the following:

- Tree Survey
- Arboricultural Method Statement
- Planting Schedule
- Ground Investigation Report
- Noise Assessment Report
- Preliminary Ecological Appraisal Report
- Ecology Survey Report
- Transport Assessment
- Travel Plan

- Hydraulic Modelling Report
- Flood Risk Assessment and Drainage Strategy
- Flood Risk Technical Note
- Planning and Retail Assessment and update from agent re Retail Response
- Design and Access Statement
- Planting Methodology and Aftercare Landscape Management Plan

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
- MT1 – Traffic management, highway safety and promoting active travel
- SC1 – Social and community facilities.
- HD2 – Hereford City Centre
- E1 – Employment provision
- E5 – Town centres
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- 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 **Minerals and Waste Local Plan (MWLP): Emerging with significant weight**

Emerging Policy SP1: Resource Management

2.3 **Belmont Rural Neighbourhood Plan 2011-2031 (NDP)**

- Policy 6 - Accessibility & Connectivity
- Policy 7 - Supporting small and medium businesses in Belmont Rural

https://myaccount.herefordshire.gov.uk/media/1998932/belmont_rural_ndp_july17.pdf

The Herefordshire Local Plan Core Strategy policies 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>

2.4 **National Planning Policy Framework December 2023 (NPPF) – Relevant Chapters:**

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

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

Chapter 15 Conserving and enhancing the natural environment

Chapter 16 Conserving and enhancing the historic environment

3. **Planning History & Background**

- 3.1 Application 221090: Hybrid application for demolition of existing hotel and associated structures and erection of Class E food store with associated access, parking, servicing, drainage and landscaping (full permission sought) and erection of drive-thru unit with associated internal access and circulation (outline permission sought). Withdrawn following discussions with the Local Planning Authority under pre application.

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water comments: January 2024: No objection**

Comments in respect to the proposed development.

ASSET PROTECTION

The proposed development site is crossed by a 150mm public foul sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991.

The proposed development is crossed by a 500mm trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, it seems the proposal is to discharge surface water into the nearby private culvert. 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.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition 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.

Condition

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

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

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

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. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.

For indicative map of public sewer record please see link to website:

<https://myaccount.herefordshire.gov.uk/documents?id=2d843bdb-b0ce-11ee-907a-005056ab11cd>

Welsh Water comments: June 2023: No objection

Asset Protection

The proposed development site is crossed by a 150mm public foul sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991.

The proposed development is crossed by a 500mm trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

SEWERAGE

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

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, it seems the proposal is to discharge surface water into the nearby private culvert. 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.

Conditions

No development shall take place until an approved scheme to divert the 500mm trunk water main crossing the site has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

Advisory Notes

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

Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Internal Council Consultations

4.2 Area Engineer (Highways): (Comments January 2024) No objection

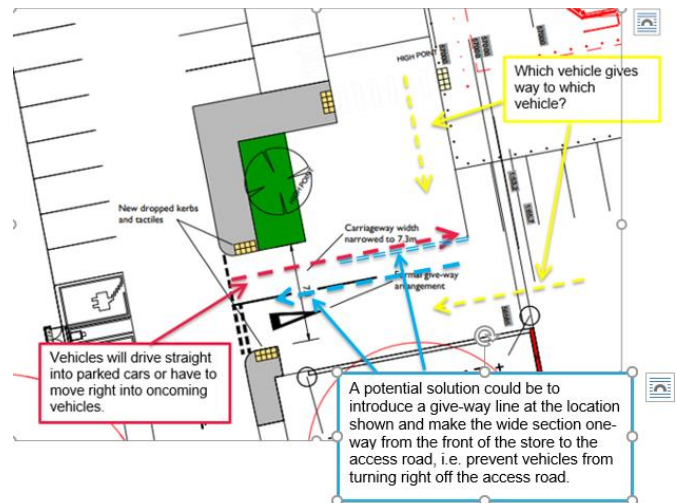
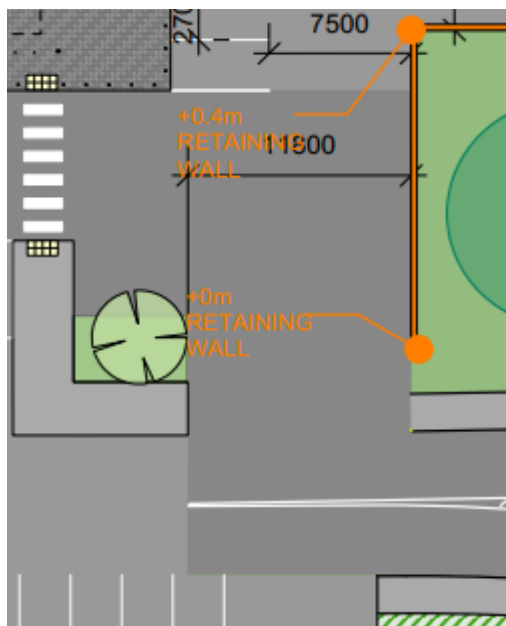
Following the redesign of the central area of the car park the local highway authority has no objection to the application subject to the below conditions.

Conditions: CAB (2.4m x 43m), CAD Gates/barriers (setback 7m), CAE, CAJ (car parking to be provided in full prior to store opening), CAP (as per dwg 05 rev G by Corun), CAT, CB3

Area Engineer (Highways): (Comments November 2023)

The proposed car park arrangement for this central area is confusing and would result in vehicles turning right off the access road and effectively driving straight into the parked cars outside the store (shown by the red arrow on the diagram below) and in order to avoid the parked cars would have to swerve right into oncoming vehicles. This central area is also confusing regarding which vehicle would have priority (see yellow arrows on diagram below), i.e. would vehicles approaching from the delivery area have priority over those approaching from the eastern car park area or vice versa?

One potential solution (shown in blue on the diagram below) could be to make the central area one-way from the store to the access road therefore preventing vehicles from turning right off the access road and forcing them to travel around the loop by the delivery area. Once they reach the central area they should then give way to vehicles travelling from the eastern parking area. This is only a suggested way forward and the LHA would be happy to consider alternatives.



Area Engineer (Highways): (Comments August 2023)

Further to the most recent submission all points raised in our previous consultation response are considered to be acceptable. The only additional query is in relation to the response that there will not be a one-way system in operation within the car park. As a result of this the large tarmacked area highlighted in the screenshot below may become confusing, for example, who gives way to who, can vehicles entering the store along the access road turn right into this area or would they have to continue straight on (noting the solid white line at this location)? How this area would work needs more clarity.

Area Engineer (Highways): (Comments June 2023)

The Local Highway Authority has the following comments:

- A separate detailed plan should be provided showing the full extent of off-site highway/walking/cycling improvements that are proposed, at present it is only annotated on the tracking plan.
- The western A465 taper length should be clarified and confirmation provided that it meets the required standards.
- A plan demonstrating the swept path of the largest delivery vehicle traversing the site to and from the loading bay should be provided.

- It is not clear from the site plan whether or not there will be a one-way system through the car park for visitors to the store. This should be clarified.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence

<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

Recommendations:

<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)

4.3 Environmental Health Service Manager (Noise / Nuisance): August 2023 No Objection

I note the agent's comments regarding the nearby Tesco bank holiday trading hours and agree that the proposed store should be treated in a similar manner. Therefore, I am happy for the option to trade 0800 to 2200 hours on bank holidays to be provided.

Environmental Health Service Manager (Noise / Nuisance): July 2023 No Objection

Comments

My comments are from a noise nuisance perspective.

I am in receipt of this application for the demolition of the hotel and erection of a Class E food store with associated access, parking, servicing, drainage and landscaping.

I have concerns regarding the impact on the amenity of local residents from noise.

A noise assessment has been provided and considers noise from fixed mechanical plant, deliveries and customer vehicles. Background day and night time noise levels were taken in two locations thought to be representative of the background noise at Glastonbury Close and Flaxley Drive. Noise recordings were also taken between the hours of 05:00 to 7:00 and 20:00 to 23:00.

The noise assessment considers the noise from HGVs delivering to the store during a normal store delivery to another branch of Lidl which takes about 60 minutes and these are set out in table 6.

The report anticipates no more than 2 HGV deliveries per day and the applicant proposes a level dock for vehicle unloading.

The proposed plant includes outdoor air handling units, food refrigeration pump stations and dry coolers which will be mounted on anti vibration mounts. The air conditioning units will only operate during the hours of 07:00 to 23:00.

The noise assessment uses the methodology set out in BS4142 to assess the impact of deliveries, customer vehicles and external noise generating plant at the closest residential premises. Proposed mitigation includes a 3m high acoustic fence around the plant area with a 1.8m high fence to the east with a 2.4m high acoustic fence installed above the retaining wall in the delivery bay. With mitigation in place, the assessment finds that plant noise levels during the day (at ground floor) and night (at first floor) will be less than background noise levels and therefore of low impact.

The assessment then considers the cumulative impact of the plant noise and delivery noise during the day and Sundays/bank holidays. During the day and Sundays/bank holidays there is a small change in the noise levels (+0.7 and +1.1 respectively). We understand that there will be a maximum of 2 HGV and 3 LGV deliveries per day. The deliveries are proposed for the following hours:

0700 - 2300 Monday-Saturday

1000 - 1630 Sunday

0800 - 1800 Bank Holidays

There will be no night time deliveries.

The methodology for the BS4142 includes a character correction for the quality of the noise and the assessment has added 5dB for impulsivity and tonality. With the character correction, there will be an excess of 3dB above the background noise levels during the day. The report discusses the context of its findings and concludes that the cumulative noise level will represent a No Observed Adverse Effect Level in accordance with the National Planning Practice Guidance where noise is noticeable but not intrusive.

Given the nature of the area and the delivery hours of nearby commercial premises, I have no objections to this application subject to the following conditions being added to any permissions granted:

The hours of delivery to the store be restricted to no earlier than 07:00 Monday to Saturday and no later than 22:00. Hours of delivery on Sundays and Bank Holidays shall be restricted to between 10:00 and 16:00.

Noise mitigation in the form of acoustic fencing minimum density 10kg/m² as detailed in the application is erected.

The trading hours of the store be restricted to 08:00 and 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

Prior to the commencement of the development a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised;

Choice of plant and equipment to be used;

The use of prefabricated materials wherever possible;

Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and good housekeeping and management, to include.

a) Review of plant and activities to ensure noise minimisation measures are in place and operating;

b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;

c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and

d) Provision of noise monitoring during activities likely to affect sensitive receptors.

Prior to the commencement of the development a proposal for the survey and treatment of rodents in the vicinity shall be supplied to the authority for approval in writing.

Reasons: 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

4.4 **Principal Natural Environment Officer (Landscape) (Comments January 2024). No objection**

The latest drawings seem to show an additional section of footpath within the new car park near the front of the site. The Proposed Surfaces Plan (dwg no 4405 rev F), clarifies that the adjacent retaining wall at the front of the site is low, at 0.4m at the highest point. There are no other landscape comments to add.

Principal Natural Environment Officer (Landscape) (Comments July 2023). No objection

A similar application for this site was reviewed in April 2022 (ref 221090) and an associated site meeting was held in July 2022. The site is within the urban area of Hereford. The Hotel and its grounds are dated / of their time, however it is not a degraded, derelict or detracting feature in landscape or townscape terms. The green frontage and site trees do make a limited positive contribution to urban green infrastructure. A tree preservation order (ref TPO_666) covers 4 of the site trees.

The proposals retain three mature trees along the Belmont Road frontage, as well as retaining adjacent boundary trees and planting. This is enhanced by ornamental amenity shrubs around the new car park. These are set in areas of amenity grassland adjacent to the main road, with the addition of wildflower grass areas to the east and west site edges. The west and north boundaries have a proposed strip of native shrub planting, together with new tree planting – both of which are welcome.

The application includes full details of the planting specifications, locations and detail drawings. It also includes a Landscape Management Plan that covers 5 years.

Hard landscape details are shown on the Proposed Boundary Treatment Plan (dwg no P4407 rev D) and Proposed Surfaces Plan (dwg no P4405 rev D), however both of these cause some concern when compared to the tree protection and planting plans. These are as follows:

- The boundary treatment plan shows a low retaining wall around the retained Willow tree (max +0.4m). The key, however, then states 'New retaining wall and 2.4m high timber acoustic fence to top of retaining wall'. This would be an in-appropriate feature at the front of the site. It is assumed that this only applies to the retaining wall around the service yard, however the drawing is not clear. The planting plan shows a new beech hedge adjacent to the retaining wall, which would protect the small level change.
- The surfaces plan shows a 'Ground Depression' to the rear of the new building. As this is to channel water, it does not seem to be an ideal location for the new tree planting. The four trees identified within the dashed red line added below, could be moved further back into the wildflower area, closer to the boundary (depending on the proximity of any underground services).



Other than the uncertainty mentioned in the two points above, there is no objection to the proposal in relation to Core Strategy Policy LD1 on landscape and townscape character and landscape schemes, or LD3 on green infrastructure.

4.5 Principal Natural Environment officer (Trees) June 2023; No objection

This submission for the erection of a Lidl Supermarket appears to be an improvement on the application submitted in 2022, ref 221090. Due to the proposed removal of important trees in the previous application a Tree Preservation Order was served on 4 individual trees, ref T1, T2, T16, & T17 in the accompanying tree report.

T1	<i>Acer platanoides</i> Norway maple	
T2	<i>Cedrus deodara</i> Deodar cedar	
T3	<i>Prunus avium</i> Wild cherry	
T4	<i>Salix babylonica</i> Weeping willow	

This application retains all four trees as well as a collection of trees across the site. Accordingly I am supportive of the retention and protection of existing trees. New planting will mitigate the loss of existing trees with a total of 31 extra heavy standard trees, which are generally 3-4m in height,

being planted. Much of the planting is located in the already grassed areas on the west and east side of the site with 3 trees located within the new parking area.

If the trees do become established they should provide a net gain in canopy cover across the site and help break up the visual impact of the building and hard standing.

My opinion is that the application meets the criteria of policies LD1 & LD3 and I support the application with the addition of the following conditions:

Conditions:

Trees In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Arboricultural Method Statement

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Landscape Maintenance

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

Specifications for operations associated with plant establishment, watering plans and maintenance that are compliant with best practise.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

4.6 Principal Natural Environment officer (Ecology) February 2024: No objection

I have read through the additional comments and documents and I refer to the previous consultation undertaken by internal ecology consultee J. Bisset dated 21 June 2023. No further ecology comments, previous consultation and conditions still stand.

Principal Natural Environment officer (Ecology) June 2023: No objection

It is noted that this is an updated/revised resubmission of a previous outline application submitted April 2022 ref 221090. This new application is a full application rather than outline and does not include the original proposal for a drive thru food and drink outlet. The remaining information and details are primarily the same as those previously submitted and considered.

This previous application was subject to full Habitat Regulations Assessment with a conclusion of 'no adverse effects' on the River Wye SAC – this HRA was subject to a 'no objection' response from Natural England dated 15 June 2022 ref 393376.

With no significant changes identified for the current application the LPA can formally adopt this previous Habitat Regulations Assessment and formal Natural England response in respect of this current application.

Suggested conditions linked to the HRA process are still relevant:

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

Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water shall discharge through connection to the existing local 'Hereford-Eign' 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

Prior to any new construction beginning on site a fully detailed Sustainable Drainage Systems to manage all surface water shall be supplied for written approval by the Planning Authority. The proposed scheme must provide detailed certainty on how all pollutant contaminants from vehicular and other use of the site are fully removed and managed prior to any final discharge of surface water from the site in to the Newton Brook. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the planning authority

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) Construction Environmental Management Plan

Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including 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 and local habitats 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.

Other Ecology Comments

From supplied and available information, included some updated ecological reports no significant changes in the ecological interests of the site are identified and the previous comments remain valid and appropriate.

From supplied information there is no reason for the LPA to consider there will be any significant or longer term impacts on local protected species population or other wildlife. The CEMP required as part of the HRA considerations will ensure all relevant wildlife considerations and working methods/risk avoidance methods are secured.

As identified in policies and frameworks all developments should clearly demonstrate how they will ensure a biodiversity net gain is achieved. As this is a separate standalone application it should clearly demonstrate such BNG and a relevant condition to ensure this is achieved and secured is requested.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of 'fixed' habitat features such as habitat boxes supporting a range of bird species and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme 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 protected species are considered and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

The locality is already subject to significant night time illumination levels and the proposed development should include a lighting scheme to ensure that this is not increased further. A relevant and detailed lighting scheme with illumination plans. Levels and luminaire specification should be secured as a relevant Reserved Matter/Discharge of Condition.

Protected Species and Lighting (Dark Skies)

Prior to any new construction beginning on site a fully detailed lighting scheme to demonstrate the development will not increase any local illumination levels and including detailed plans, illumination levels and luminaire specifications shall be supplied to the planning authority for written approval. The approved scheme shall be implemented and hereafter maintained and operated unless otherwise approved in writing by the planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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 Retail Planning Consultant Comments:

The Council has utilised the services of experienced expert Retail Planning consultants to provide retail advice to the Council at the pre-application stage and to advise on the current application proposals. JW Planning were initially retained by the Council (including in respect of the previous application on the site) and their final comments of September 2023 are contained at Appendix 1 of this report. During the period of pre-application discussions, the Council updated its retail evidence base and published the 'Herefordshire Town Centre and Retail Assessment' (Nexus, September 2022) which can be viewed on line at: <https://www.herefordshire.gov.uk/directory-record/6531/town-centre-and-retail-assessment-2022>

Due to differences of opinion between the applicant's retail consultant and JW Planning, and due to their recent authoring of the Council's updated retail evidence base, Nexus were also retained to provide retail advice at the pre-application stage and to advise on the current application proposals. Nexus' final comments of July 2023 are provided at Appendix 2 of this report. Other relevant comments from the Council's retail advisors (JW Planning's comments dated June 2022 and Nexus' comments dated March 2023) comprise background papers and 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=231703&search-term=three%20counties Both advisors offer advice on the retail sequential test and retail impact tests.

4.8 Land Drainage: January 2024: no objection

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

- (Pre construction condition) Detailed surface water drainage design plans/construction drawings and associated calculations.
This is a crucial condition as the surface water drainage strategy which has been presented at planning is not detailed enough for construction purposes.
- Trial pit information confirming the route of the 450mm pipe that has been identified which carries flow into the site (referred to as SW1 on the survey). The development will need to consider provision for the ongoing inflow of surface water from this source.
- Shopping trolley condition – as per the below correspondence.

Land Drainage: September 2023: Objection

Flood Risk

Major Flooding episodes can occur when Trash Screens block. We are aware of a town in Gloucestershire where a trash screen serving an 800mm diameter culvert blocked in 2007 which led to over a hundred properties flooding internally. None of these properties would normally have been at risk of fluvial flooding.

Shopping Trolleys can act like Trash Screens, debris gets caught on them easily. The applicant has issued a letter (21/8/2023) suggested that magnetically triggered castor lock would be installed on the trollies. It is inevitable that the Gatekeeper Trolley System will malfunction. At that time adventurous vandals could easily move trollies a short distance for disposal within the brook.

The applicant has suggested that a WEEKLY inspection of the Newton Brook is proposed. Flash flooding could occur within hours of a shopping trolley being thrown into the brook. This inspection period is grossly inadequate.

A plan (prepared by Waterco consultants) has been included that shows only the length of the brook downstream of the highway culvert would be inspected. This demonstrates that those who completed the hydraulic modelling of the highway culvert do not have a vested interest in presenting useful information to their client that may mitigate flood risk to the local community. Waterco completed the partial blockage analysis that demonstrated the importance of keeping the culvert clear but have not included the section of watercourse upstream of the culvert on the plan.

In the same way the LIDL site staff will not have a vested interest in mitigating flood risk within the local community. The site staff will not understand the significance of ensuring that shopping trollies are removed from the watercourse in a timely manner. The Site Management Document may include a list of proposed actions, but the staff will not understand the significance of adhering to the management document. Different staff will read the document but each will interpret it slightly differently.

The proposals involve reporting blockages to Herefordshire Council instead of making efforts to remove LIDL shopping trollies.

The proposed development will increase the risk of flooding.

Culverting Proposals

When the Belmont Estate was built, Newton Brook was culverted through the hotel grounds, with an overflow into the pond and then out of the pond to an eastern channel. The culverted section through the hotel has an inlet pipe of approx. 375mm dia.

The applicant has presented survey of the existing 375mm dia pond inlet culvert. There is a 900mm dia headwall at the pond, alongside a manhole that contains a Steel Sluice. During dry weather conditions most of the flow in the Newton Brook is diverted through the culvert.

In addition the survey has identified the presence of a 450mm dia pipe that carries flow into the site (referred to as SW1 on the survey). There are no records on the public sewer record of this drain. The development will need to consider provision for the ongoing inflow of surface water from this source.

Core Strategy policy SD3 has been referenced in the report. Item 4 refers to the 'loss of open watercourse' and 'culverts should be opened up where possible to improve drainage and flood flows'

The current proposals involve infilling the pond. The existing 375mm dia culvert would be extended.

Under the existing arrangement, if the 375mm dia culvert were to become blocked, then the flow of water into the pond would cease. In this case the existing riparian owner would become aware of the blocked pipe and may seek to remedy the issue, to reinstate the flow of water.

Under our previous commentary dated 14th June 2023, we explained that there have been numerous episodes of the highway authority inspecting culverts that appear to be functional that are in fact partially blocked (refer to the example below).

The proposals to replace the pond with an extended culvert will ultimately lead to the scenario of the downstream watercourse being starved of a base flow, because the culvert will become partly blocked.

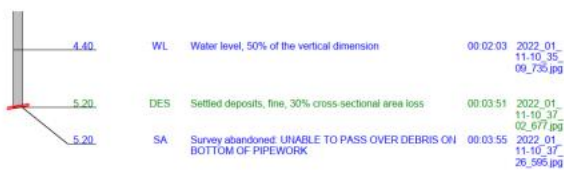
We reiterate that the risk of blockage would increase due to:

- Doubling of the length of the culvert.
- The fact that debris within culverts cannot be spotted.
- The absence of a pond would mean that in future years the culvert would likely become a forgotten relict. It would not be obvious that flow had reduced or even ceased.
- In some cases animals live in dry culverts. They can die there.

The photo below is taken from the applicant's FRA. An inspection could be made on an upstream or downstream culvert headwall and it may be assumed that the culvert is free flowing.



The extract below is also taken from the FRA and demonstrates that there is a partial blockage in the 600mm dia culvert downstream of manhole SW2. In this scenario the water has reached a level of 50% of pipe bore due to the presence of debris.



The applicant's letter (21/8/2023) explains that text will be included in the site management document detailing maintenance actions related to flood risk. These proposals include proposals to complete visual inspections at the inspection chambers. As explained in our previous commentary, such an inspection regime will not provide sufficient information to demonstrate that the culvert is fully functional.

There are also suggestions that a CCTV survey will be completed every 2 years, but even if implemented this measure would not adequately mitigate the risk of the downstream watercourse being starved of water

Land Drainage: June 2023 : Objection

Our knowledge of the development proposals has been obtained from the following sources:

- Hydraulic Modelling Report (Rev 1);
- Flood Risk Assessment & Drainage Strategy (Rev 3).
- Flood Risk Technical Note (12th May 2023)

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), February 2023



Overview of the Proposal

The Applicant proposes the demolition of a hotel building and erection of Lidl foodstore, detached drive thru restaurant and associated carparking. The site covers an area of approx. 1.71ha. Newton Brook, an ordinary watercourse, flows along the western site boundary. There is a tributary of the Newton Brook which flows to the east of the site and also connects to an existing pond onsite. The topography of the site gently slopes down from the south to the north by approx. 2m.

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.

Although the proposed development is located within Flood Zone 1, as it is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. 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

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

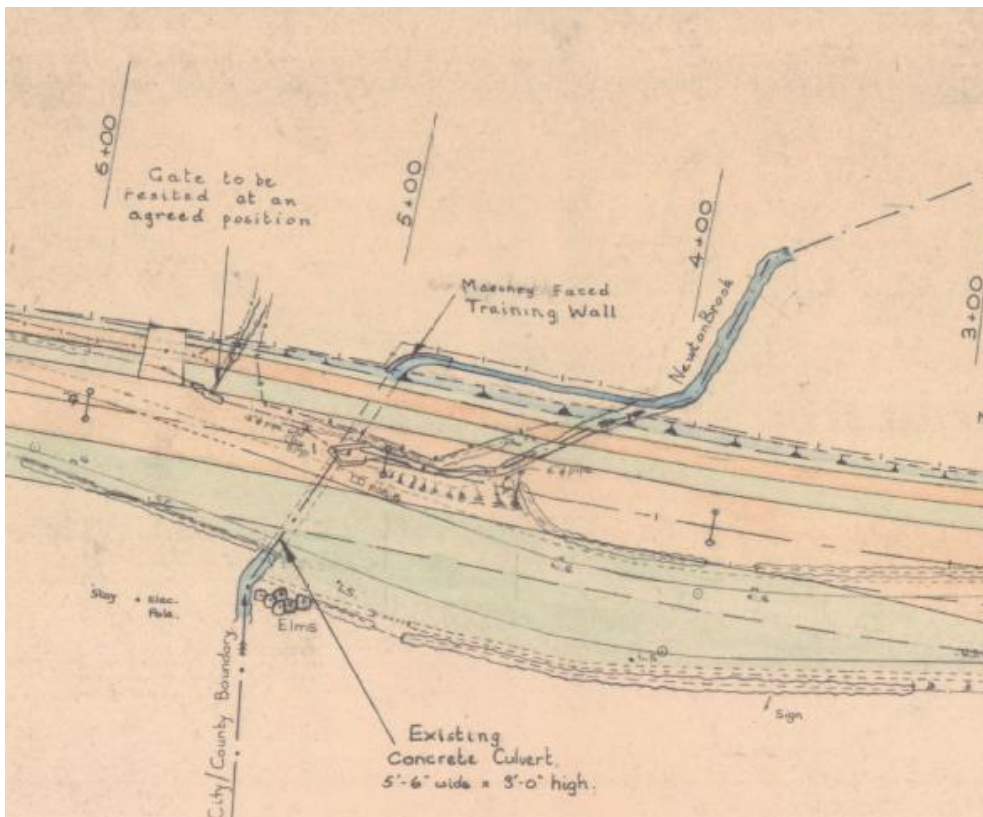
**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

The EA Flood Map for Planning does not consider watercourses with small catchments and therefore although the site is identified as located in Flood Zone 1 on the EA mapping, there is a known issue of flooding both onsite and within close proximity to the site from Newton Brook. Newton Brook watercourse is complex in the immediate site area. As can be seen from the historic mapping, the Newton Brook used to cross below the A465 at the same location but followed a route through the hotel grounds.





The road was straightened during 1970's and the channel was altered.



Welsh Water water main records show that a 500mm dia strategic water main crosses below the site. The records suggest that this main was built in 1978. The depth of the main is unknown. The hotel was built after this (noting that the main is shown passing below the building).

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

When the Belmont Estate was built, an overflow channel was incorporated into the development, on the western side of the hotel. This does not follow the lowest profile of the land. At the downstream end of the channel a series of steps was built. Residents regard this watercourse to be the Newton Brook.

Newton Brook was culverted through the hotel grounds, with an overflow into the pond and then out of the pond to an eastern channel. The culverted section through the hotel has an inlet pipe of approx. 375mm dia.

The applicant has presented survey of the existing 375mm dia pond inlet culvert. There is a 900mm dia headwall at the pond, alongside a manhole that contains a Steel Sluice. During dry weather conditions most of the flow in the Newton Brook is diverted through the culvert.

There is a 600mm dia culvert downstream of the pond.

In addition the survey has identified the presence of a 450mm dia pipe that carries flow into the site (referred to as SW1 on the survey). There are no records on the public sewer record of this drain. The development will need to consider provision for the ongoing inflow of surface water from this source.

SITE ENTRANCE

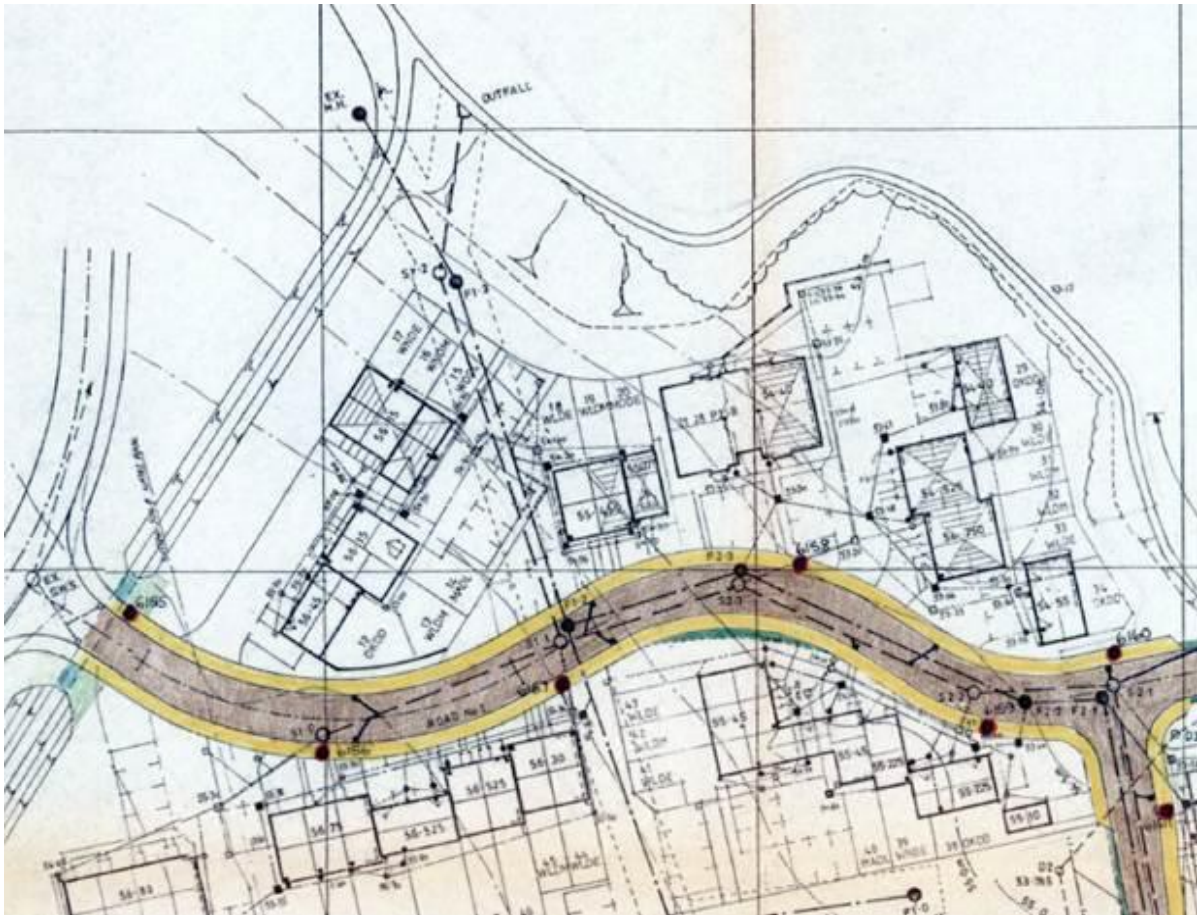


SW2 UPSTREAM HOLDING HIGH WATER LEVEL



GATE VALVE FOR POND

As the overflow channel was designed so that water cascades at the outfall, some section of the 'overflow' watercourse may not been excavated at a steep gradient. It is possible that for this reason the Newton Brook has less capacity than the historic channel did. The channel bed may have been built high to accommodate the water main



The applicant has completed Hydraulic Modelling of the Newton Brook. This has included the scenario of the Belmont Road Culvert and the Glastonbury Close Culvert each being blocked to 67%. The applicant has referred to the likelihood of this occurring as very low, however there has been a flood at this location due to a shopping trolley blocking the Belmont Road culvert. As the proposals are for a supermarket this risk is not very low.

The simulations of the existing site have demonstrated the flood water enters the front of the site. A large proportion of the fluvial floodwater spills in via the road access. Topographical surveys have demonstrated that Belmont Road is almost level. The model has not replicated the existing perimeter wall or the earth bunding between the wall and the pond. Accordingly in reality most of the water would spill into the site via the road access. The simulation does not include the raised floor levels at the hotel.

The simulations of the proposed site show flooding to depths up to 300mm. The proposed superstore has not been modelled as a raised structure, although we understand it will be set at 57.00m AOD (higher than existing site levels). A more detailed assessment would be required to support any planning application, including actual proposed levels. Site levels at the north side of the site need to be considered to ensure that exceedance flows do not displace surface water towards third party property.

The simulations also demonstrate the Maximum Flood Velocity for flows across the site are low risk

Culverting proposals

Core Strategy policy SD3 has been referenced in the report. Item 4 refers to the 'loss of open watercourse' and 'culverts should be opened up where possible to improve drainage and flood flows. There are known flooding issues associated with the Newton Brook. As part of the development, there is the potential opportunity to provide a betterment and lessen flood risk both

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

onsite and within the immediate surrounding area. As explained in our earlier advice, consideration needs to be given to opening up the culvert system onsite and reinstating the eastern channel as a formal overflow channel. These measures will reduce local flood risks.

The current proposals involve infilling the pond. The existing 375mm dia culvert would be extended. Under the existing arrangement, if the 375mm dia culvert were to become blocked, then the flow of water into the pond would cease. In this case the riparian owner would become aware of the blocked pipe and may seek to remedy the issue, to reinstate the flow of water. The existing 600mm dia culvert discharges flow into a watercourse in the Public Open Space to the east of the site. During our site visit the watercourse was flowing, despite no recent rainfall. If the 375mm dia culvert is extended, then there is an increased likelihood that when the culvert blocks the riparian owner would take no action to unblock the pipe. The implication of extending the 375mm dia pipe may be that the watercourse becomes starved of water. Any Environmental Impact Assessment issued for a planning application would need to consider this risk.

Further comments following submission of Technical Note (June 2023)

1. The applicant has advised “a blockage of the existing pipe would not be obvious to the current riparian owner as water losses would be minimal i.e. through evaporation”.

We do not agree with the applicant. A blockage would become evident due to the effect of evaporation and also lack of noise (tricking water), ripples on the surface etc

If the incoming 375mm dia pipe became blocked with debris, fine material would become entwined with the coarse material which would cause flow rates into the culvert system to reduce sharply. The pond is currently fed by an inlet pipe and water then overflows and cascades into the outlet pipe. If there were a blockage then water levels would drop due to evaporation, exposing more vegetation.

Land Drains and Highway Drains that bifurcate typically silt up. This is because water slows down at a bifurcation, causing debris and silt to drop. The more dominant Drain tends to operate well and the less significant Drain tends to be prone to blockages. Ongoing maintenance is a requirement of many Highway Drains where bifurcations exist.

2. The applicant has advised “the proposed arrangement would be for a 375mm dia pipe with a single inlet and a single outlet. This reduces entry points for sediment / debris and reduces blockage risk when compared with the existing. Debris (plant matter, litter etc) could enter the pond causing blockages to the culvert”.

The current arrangement features a 375mm dia inlet culvert. The exit culvert is a twin 600mm dia (incidentally we are unclear whether the second 600mm dia culvert forms an exit for the pond or serves the incoming private 450mm dia pipe).

The applicant’s own survey has confirmed that the incoming pipe is larger than the outgoing pipe. For this reason, we do not accept the applicant’s claim that replacing the pond with a culvert would lead to a reduced likelihood that debris (plant matter, litter etc) could enter the pond causing blockages to the culvert.

3. The applicant has advised “LIDL would incorporate inspections... with inspections of the culvert outlet undertaken to ensure that the pipe is flowing”.

The current proposals involve doubling the length of the culverted watercourse.

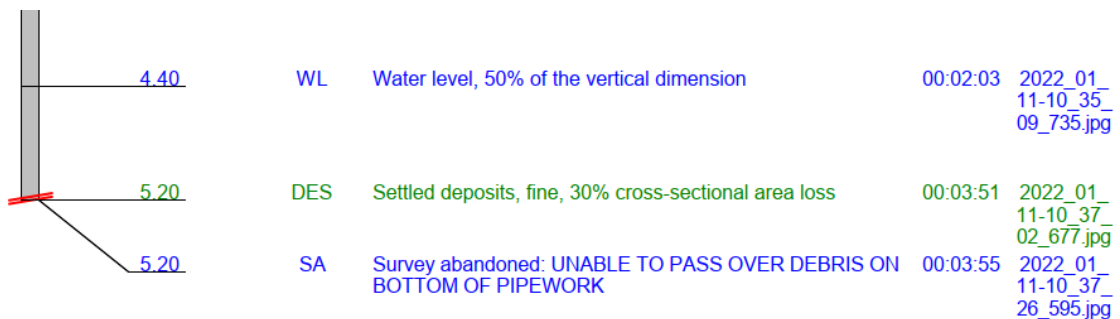
BBLP delivers highway drainage projects on behalf of Herefordshire Highways. Inspections of pipe inlets and outlets do not provide any useful information regarding the condition of the inside of the culvert. We have previously completed investigations using tools such as a high-pressure water jetting boom, to cleanse and establish whether culverts are clear of debris. After the use of a jetting boom there is still no conclusive proof that the culvert is clear. We have worked on

schemes where the jetting boom passed the obstruction and then an episode of repeat flooding has occurred.

The photo below is taken from the applicant's FRA. An inspection could be made on an upstream or downstream culvert headwall and it may be assumed that the culvert is free flowing.



The extract below is also taken from the FRA and demonstrates that there is a partial blockage in the 600mm dia culvert downstream of manhole SW2. In this scenario the water has reached a level of 50% of pipe bore due to the presence of debris.



We

reiterate that the risk of blockage would increase due to :-

- Doubling of the length of the culvert
- The fact that debris within culverts cannot be spotted

- The absence of a pond would mean that in future years the culvert would likely become a forgotten relict. It would not be obvious that flow had reduced or even ceased.
 - In some cases animals live in dry culverts. They can die there.
4. The applicant has advised “there is a much greater chance of the watercourse (the historic Newton Brook Channel) being starved of flow as existing due to the presence of the sluices

As explained above, there is an increased risk of a blockage within the culvert system. The applicant has referred to the sluices, we have inspected the sluices and it is clear that they are not fitted as hydraulic structures. Of key importance is the fact that the sluices are visible and can easily be cleared.

5. The applicant has advised that an open channel leads to a greater potential for fly tipping and blockage. Open channels typically have a much greater cross-sectional area than culverts and are easier to maintain.
6. The applicant has suggested that daylighting the 375mm dia culvert could result in flood flows being directed to properties downstream.

The applicant has already provided modelling results showing the results of the 67% culvert blockage. We do not anticipate that the impact of diverting flows via the historic Newton Brook Channel would differ greatly to this scenario, as the channel is deep to the east of Glastonbury Close.



We **object** to the proposals to extend the 375mm dia culvert.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is located within an area at risk of surface water flooding. However the mapping ignores the presence of highway drainage.

Figure 2: EA Surface Water Flood Map, April 2023



Extent of flooding from surface water



Other Considerations and Sources of Flood Risk

Local residents may identify other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches. 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

As shown on the Existing Site plan (Appendix B), surface water flows from buildings and parking areas within the site are collected by a piped drainage system and flow to a chamber in the north-eastern corner of the site. Herefordshire Council records demonstrate that this discharges to Newton Brook located approximately 25m east of the site. The existing surface water chamber in the north-eastern extent of the site has an identified cover level of 54.75m AOD and an invert level of 53.68m AOD.

A CCTV drainage survey has been undertaken in January 2022, with the CCTV survey report included in Appendix F. The CCTV survey was unable to determine the route of the 450mm surface water drain beyond the site due to high levels of silt within the chamber.

The proposed development will introduce approximately 10,925m² of hardstanding in the form of buildings and car parking.

The existing 1 in 1 year greenfield runoff rate for the 1.6804ha development site is 4.6 l/s. A discharge rate of 4.6 l/s is proposed for this site.

An estimated storage volume of 768m³ will be required to accommodate the 1 in 100 year plus 40% Climate Change (CC) event. The storage estimate is based on storage within a tank or pond structure, an impermeable drainage area of 10,925m², a design head of 0.8m and hydro-brake flow control.

Based on the cohesive ground conditions witnessed across the majority of the site and presence of groundwater, infiltration drainage techniques are not considered a viable option for the site.

Foul Water Drainage

The DCWW sewer records show that there is a 150mm public foul sewer within the northern extent of the site. The 150mm public foul sewer flows west within the site, then north to Glastonbury Close. A 375mm public combined sewer is located in Belmont Road south of the site and flows east.

As shown on the Existing Site Plan (Appendix B), foul flows currently drain to the public foul sewer in the northern extent of the site. Manhole SO49387617 on the foul sewer in the northern extent of the site has an identified cover level of 55.16m AOD and an invert level of 52.96m AOD.

The applicant will need to liaise with DCWW to facilitate approval for a new discharge rate and volume

Conclusion

We object to the proposals to extend the culvert as this will lead to an increase in flood risk due to the likelihood of the culvert blocking, also the downstream watercourse will be starved of water.

The proposals for a supermarket will also lead to an increased risk of the highway culvert blocking due to a supermarket trolley being disposed of in the channel. This in turn will increase flood risk to residents

Further comments following submission of Technical Note (June 2023)

Major Flooding episodes can occur when Trash Screens block. We are aware of a town in Gloucestershire where a trash screen serving an 800mm diameter culvert blocked in 2007, which led to over a hundred properties flooding internally. None of these properties would normally have been at risk of fluvial flooding.

The applicant has suggested that if the site were used for a residential development then there would be a risk of blockage from garden waste. In our own experience garden waste can reduce the capacity of a channel slightly but would only be likely to exacerbate flood risk slightly.

Shopping Trolleys can catch like Trash Screens, debris gets caught on them easily.

The applicant has suggested that magnetically triggered castor locks could be installed on the trolleys. However adventurous vandals could easily carry trolleys a short distance for disposal within the brook.

The proposed development will increase the risk of flooding.

4.9 Minerals and Waste Officer Comments: No objection January 2024

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

Comments:

Thank you for consulting me on the above application. I can confirm that the site does not raise any issues with regards to the safeguarding of minerals. However, the proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials and demolition waste and as such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.

Resource Management

In 2018 the Department for Environment Food and Rural Affairs identified that the construction industry accounted for 62% of the UK's total waste, making it the largest single source of waste arising in England. Central to government objectives for waste management is to avoid waste going for landfill, with as much recycled where possible. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The use of materials and waste resources will be directed to contribute positively to addressing climate change.

In accordance with emerging policy SP1 of the Minerals and Waste Local Plan if the application is approved the applicant will be required to produce a Resource Audit to set out end of life considerations for the materials used in the proposed development. This can be dealt with via the following condition;

Prior to any development commencing on site the applicant shall submit a Resource Audit to identify the approach to materials. 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: 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.

4.10 **Hereford and Worcester Fire service: general comment: June 2023**

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1 with regards the proposed floor area, height of the building and type of fire appliance.

- Access road to be in accordance with ADB 2019 Vol. 2 Table 15.2 with regards access widths and carrying capacity

Water for firefighting purposes should be provided in accordance with section 16 and National guidance document on the provision of water for fire - fighting' and BS 9990

4.11 **West Mercia Police: February 2024: No objection**

Observations from West Mercia Police Road Safety team regarding Road-Layout Change at Belmont Road Hereford and its effects on and Gatso* Speed Camera.

1. Introduction

This document assesses the impact of a proposed road layout change on the existing Gatso speed camera located on Belmont Road, Hereford. It has been prepared in response to a planning application for the layout change facilitation the conversion of the 3 counties hotel into a supermarket and has been informed by consultations with traffic management advisors, highways and local council.

2. Proposed Road Layout Change

The road is currently a single track road with two opposing lanes. The area is primarily residential with a good volume of traffic. With the proposed development it would facilitate changes to the road lay out with a protected right turn into the supermarket and the significant widening of the existing junction providing ingress to the supermarket parking. All lanes will be widened, and the verges of the road moved outward to facilitate this. The plans have been viewed on site.

3. Gatso Speed Camera

The existing Gatso speed camera is located opposite the junction with the current hotel complex. It plays a vital role in the reduction of speed and ensuring road safety. It was initially installed several years ago in response to several serious road traffic collisions nearby to reduce speed and subsequently harm.

4. Consultation and Assessment

Following consultations with traffic management advisors, we are satisfied that the proposed road layout change does not necessitate the relocation of the Gatso speed camera for continued effective policing. The current camera position remains suitable for capturing speeding offences in the designated area. Many of the offences occur during the hours of darkness when the supermarket will not be open, and free flow of traffic not impeded. It is possible that due to the widening of the road traffic speed may increase during the quitter hours, and this camera will have a positive effect on this.

5. Developer Responsibility for Relocation (if applicable)

While we do not object to the camera being relocated at the developer's expense if deemed necessary to facilitate the road layout changes, we request prior consultation before finalizing the

camera's new position. This consultation will ensure the new location maintains the camera's effectiveness in enforcing speed limits and promoting road safety. It is vital for legal compliance that the camera is moved under the supervision of trained technicians who we will appoint but will be paid for at the expense of the developers.

6. Conclusion

The proposed road layout change, as assessed in consultation with traffic management advisors, is not expected to hinder the functionality of the existing Gatso speed camera. However, if camera relocation becomes necessary during construction, we request early consultation to ensure the chosen location maintains the camera's effectiveness in promoting road safety.

7. Recommendations

- We do not object approval of the planning application for the road layout change, with the understanding that the Gatso speed camera can remain in its current position.
- If camera relocation becomes necessary during construction due to unforeseen circumstances, we request immediate consultation to determine a new location that upholds the camera's effectiveness in enforcing speed limits.

8. Additional Information

Here's a brief explanation of what a Gatso camera is:

- Type of Speed Camera: A Gatso camera is a fixed speed camera used for traffic enforcement.
- How it Works:
 - o Radar technology: Gatso cameras primarily use radar to detect the speed of passing vehicles.
 - o Image Capture: If a vehicle exceeds the speed limit, the camera automatically captures multiple images for evidence, including the vehicle's registration plate.
- Purpose: Gatso cameras are installed in high-risk areas to:
 - o Deter speeding: Their primary goal is to deter drivers from exceeding posted speed limits.
 - o Reduce accidents: By decreasing speeding, the likelihood of accidents and their severity can be reduced.
 - o Enforce traffic laws: Gatso cameras provide evidence to issue speeding tickets and hold drivers accountable for traffic violations.
- Brand Name: "Gatso" is a brand name derived from the inventor, Maurice Gatsonides. While Gatso cameras are very common, especially in the UK, other types of fixed speed cameras exist and are often used in traffic enforcement

5. Representations

5.1 Belmont Rural Parish Council: objection: December 2023

With reference to the application

The Parish Council objects to the application due to the following:-

- The proposed new build does not accord with the surrounding area and will be out of character with the area.
- Traffic increase and congestion on the Belmont Road
- Adverse environmental impact and increased risk of flooding.
- Adverse impact on the amenities of local residents, visual and otherwise.
- Loss of an established habitat,
- Highways safety due to traffic turning right into the site and turning right on exiting the site.
- Insufficient parking.

The Parish Council also requests that if the application is to be refused then Herefordshire Council use their delegated powers in conjunction with the Ward Councillor. However, if it is to be approved then a redirection to full planning committee be made.

5.2 **Belmont Rural Parish Council: objection: July 2023**

Having considered the matter, the Parish Council resolved to object to the application due to the following:-

- The proposed new build does not accord with the surrounding area and will be out of character with the area.
- Traffic increase and congestion on the Belmont Road
- Adverse environmental impact and increased risk of flooding.
- Adverse impact on the amenities of local residents, visual and otherwise.
- Loss of an established habitat,
- Highways safety due to traffic turning right into the site and turning right on exiting the site.
- Insufficient parking.

The Parish Council also requests that if the application is to be refused then Herefordshire Council use their delegated powers in conjunction with the Ward Councillor, however if it is to be approved then a redirection to full planning committee should be mad

5.3 **Hereford City Council: No objection: January 2024**

Hereford City Council Planning Committee has no objection to planning application 231703 however have comments. Whilst Councillors regret the loss of this hotel and tourism facility, they appreciate the need for an economy food store and associated employment south of the river which will be popular with local residents. Councillors have considerable anxiety about another unregulated junction on an already busy road and feel the proposed design is not respectful of the local environment

5.4 **Hereford City Council: no objection: June 2023**

No Objections from Hereford City Council Planning Committee in regards to Planning Application 231703, though Councillors stated that it is regretful to lose the hotel and a shame to see the building demolished

5.5 **Hereford Civic Society: November 2023**

Summary of comments:

- Those located at the Oval and on the Newton Farm Estate are particularly vulnerable from this proposed development, since they depend on “top up” rather than on a customers’ weekly shopping trip which most residents probably also undertake at one of the larger supermarkets in Hereford. All the major chains have a Hereford presence within a one to two mile radius.
- The recent establishment of an “out of city” Iceland store at Holmer, led to the closure shortly afterwards of their city centre store in Eign Gate.
- The presence of an additional out-of-city food store will not increase the total “market” for the sale of day-to-day food necessities.
- The Three Counties Hotel is located on a congested section of the A465 Hereford – Abergavenny Road. It is adjacent to a busy McDonald’s outlet with a “drive-in” facility that frequently leads to tail-backs onto the A465. It is opposite junctions leading into the
- Newton Farm residential area. “top up” trips to the local convenience stores at the Oval or on the Newton Farm Estate currently being made on foot/ or by bicycle being replaced by a car journey

- perceived or real danger associated with crossing the A465 and navigating the Lidl car park as compared with walking/ cycling to a local food/ convenience store.
- Access to the supermarket front door, is designed for the customer arriving by car and not those by bicycle or on foot.

Publicity

- 5.6 The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). As well as numerous site notice displayed around the application site over 2 consultations. In addition, statutory consultees have been consulted.
- 5.7 In response to the public consultation a total of 51 comments were received on the application throughout the process, detailing the following points:

Objections: 41 comments received

Retail Store

- New Retail food store would be detrimental
- Do not need another supermarket. Unnecessary supermarket
- Numerous supermarkets and conveniences stores already servicing Hereford
- Better use of the site should be community focal point such as a pub restaurant
- Better off building houses, care home or nursing home/DIY store
- Should be in Rotherwas as Belmont Road busy enough
- Adverse impact on the local shops
- Other sites in Hereford which have planning permission for this use class which could be used?
- Waitrose:
 - Undermine changes which have taken place in Hereford in terms of diversifying and enhancing its retail and commercial leisure offer.
 - Application will draw trade away from the city centre. Wider vitality and viability is compromised when anchor food stores are under performing.
 - The vitality and viability of Hereford City Centre is supported by food stores. The trading impact is a planning consideration.
 - Existing food stores within and on the edge of the City Centre (Waitrose, Tesco, M&S and Morrisons are trading below company average levels. Further loss of spend should be strongly resisted to protect overall vitality and viability of the city centre
 - Hereford city Centre only displays 'moderate' levels of vitality and viability with an above average vacancy rate and a high number of vacant units such as Debenhams. Recent closure of Iceland store confirms the vitality and viability of Hereford City Centre is currently not an optimum level
 - The quantitative impact assessment underestimate the proportion of trade which will be drawn from food stores in Hereford City Centre to the proposed development. Needs further justification and 'scenario testing'.

Trees/Ecology/Drainage

- Pond in the hotel acts as a soakaway
- Filling in the pond may lead to the brook level rising and flooding the surrounding area
- Loss of green open space
- Protect green space, wildlife, habitats of local brook and hotel pond
- Remove too many trees
- Newts in ponds, protected bats, field mice, water vole, kingfishers, foxes and otters

Amenity

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

- Amenity concerns for neighbouring residents: Glastonbury Close. Fluorescent/LED glow, air conditioning units humming and large articulated lorries close by.
- Noise pollution from building work, deliveries and customers
- More pollution to the area: cars: delivery lorries. fumes
- Cul de sac to the rear of hotel enjoys peace and quiet
- Noise from deliveries, collections, general customers, chillers
- Deliveries between 7am and 11pm: noise impacts. Noise late at night
- Waste and rats

Building Design

- Design of the new store: corporate architecture. Awful/Tacky/vile looking Lidl Store
- Not in keeping with the surrounding area
- Current building: Hereford Landmark. Attractive building as is Tesco Store
- Belmont area has undergone improvement
- Design is out of character
- Block light

Traffic/Highways

- Existing McDonalds causes backlog of traffic and past existing hotel entrance
- Most people will use car or taxi to get to store adding more vehicles along Belmont Road
- Road system not capable of taking the additional traffic
- Belmont Road big problem. Easier to go to Newport or Abergavenny
- Increase in housing in the South West Herefordshire means more traffic and will increase significantly. Existing queues already on this road
- If road infrastructure in place then this application may have been possible.
- Inadequate car parking
- Slip road next to McDonalds is inadequate. Existing problem at McDonalds/delivery deliveries
- Increase in accidents and more dangerous for pedestrians
- Don't need shared cycle lanes and footways
- Road Safety camera outside
- Cars turning right
- A roundabout or controlled crossroads for entry/exit
- Consideration must be given to Cyclists

Other

- Does not mention rehouse asylum seekers
- Loss of public house/bar area/hotel accommodation
- Loss of licence amenity in this area Need for social drink venue in this area
- The existing building should be protected.
- Petition on previous application
- Must be determined at planning committee
- Any S106 money to be spent on local activities/clubs for children/young people and those who struggle with social isolation.

Support:10 comments

- Hotel is unattractive and has looked run down for years. Hasn't been used to it's full potential for decades
- Budget friendly supermarket would be welcomed.
- Elderly people would find this easier than going into town.
- Hotel isn't there for the public to use anymore
- More jobs
- Healthier competition for other supermarkets
- Cost of living a budget supermarket would help

- Belmont road traffic is terrible, can't see it being made worse by Lidl.
- South Side needs a Lidl Store.
- Will reduce carbon emissions/need to travel across town
- Traffic is bad anyway
- If remove the Belmont Inn that can't see why can't remove this eye sore of a building and get a new/modern replacement

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

Please update link from website (7)

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 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 The adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'Made' Belmont Rural Neighbourhood Development Plan, The National Planning Policy Framework 2023 is a significant material consideration but does not hold the statutory presumption of a development plan.
- 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. 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.

Herefordshire Core Strategy

- 6.4 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.
- 6.5 Core Strategy Policy SS4 – Movement and transportation states New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport. The policy sets out development proposals that will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport. Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or neighbourhood development plans and developer contributions, which meet the statutory tests,

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

sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.

- 6.6 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria states Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.7 Core Strategy Policy SS7 – Addressing climate change states Development proposals will be required to include measures which will mitigate their impact on climate change.
At a strategic level, this will include:
- focussing development to the most sustainable locations;
 - delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;
 - designing developments to reduce carbon emissions and use resources more efficiently;
 - promoting the use of decentralised and renewable or low carbon energy where appropriate; supporting affordable, local food production, processing and farming to reduce the county's contribution to food miles.
 - protecting the best agricultural land where possible
- 6.8 Key considerations in terms of responses to climate change include:
- taking into account the known physical and environmental constraints when identifying locations for development;
 - ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading; minimising the risk of flooding and making use of sustainable drainage methods;
 - reducing heat island effects (for example through the provision of open space and water, planting and green roofs);
 - reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and
 - developments must demonstrate water efficiency measures to reduce demand on water resources.
- 6.9 Core Strategy Policy MT1 – Traffic management, highway safety and promoting active travel states Development proposals should incorporate the following principle requirements covering movement and transportation:
1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;
 2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
 3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
 4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;
 5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and

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

6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.
- 6.10 Core Strategy Policy E1 – Employment provision states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged in circumstances including where:
- the proposal is appropriate in terms of its connectivity, scale, design and size; and
 - the proposal makes better use of previously developed land or buildings.
- 6.11 Core Strategy Policy E5 – Town Centres sets out these areas are the primary location and focus for retail, commercial, leisure, cultural and tourism uses and seeks to protect this position. The policy sets out how development outside of this area will be assessed, expectations on applications and a requirement for an assessment on the town centre's vitality and viability to support any such proposals
- 6.12 The policy sets out how development outside of this area will be assessed, expectations on applications and a requirement for an assessment on the town centre's vitality and viability to support any such proposals. Policy E5 has been informed by the findings of the Town Centres Study Update 2012 which outlines the retail, office and leisure needs of Hereford and the five market towns. The report identifies limited requirement for further retail and leisure development and advises that there is no need for out of centre retail allocations in Hereford or in the market towns. Where town centre uses are proposed in edge of centre or out of centre locations, a sequential approach to selecting sites will be adopted in accordance with the National Planning Policy Framework. Evidence will be required to demonstrate that all available town centre opportunities have been thoroughly assessed, and transparent reasons provided as to why the town centre sites are not suitable and available, before land and/or buildings in edge of centre and then out of centre locations are considered.
- 6.13 The sequential approach will also apply to large scale extensions to existing retail and town centre uses, as well as proposals to vary or remove conditions restricting the range of goods that can be sold, where the site is located in an edge of centre or out of centre location. In considering the suitability and availability of sites, applicants will be required to demonstrate how they have adopted a flexible approach to the size, design and format of the proposal.
- 6.14 Core Strategy Policy LD1 – Landscape and townscape criteria requires new development should achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including 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 Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management
- 6.15 Core Strategy Policy LD2 Biodiversity and geodiversity. Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire.
- 6.16 Core Strategy Policy SD1 – Sustainable design and energy efficiency states Development proposals should create safe, sustainable, well integrated environments for all members of the

community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,
- 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;
- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;
- where possible, on-site renewable energy generation should also be incorporated
- create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measure

6.17 Core Strategy Policy SC1 – Social and community facilities requires that “Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported...Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility...” The policy does not however contain a definition of what facilities are to be treated as ‘social and community facilities’. However, the supporting text states that: “Social and community facilities can be defined as physical facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities play an important role in the development of a vibrant community by creating a sense of place and providing a place for people to meet and interact socially.

6.18 They also offer services that are essential for education, health and well-being; and support community cohesion and benefit the general quality of life of residents. Social and community facilities can include: public services, community centres and public halls, arts and cultural facilities including theatres, public art and heritage centres; policing and criminal justice facilities, fire and ambulance services, health and education facilities including GP surgeries and NHS walk-in centres; public houses, local shops, public toilets, youth centres, social care facilities including day centres and child care facilities; places of worship, and services provided by the community and voluntary sector - for example scout and guide premises.

6.19 Core Strategy Policy HD2 – Hereford City requires an impact assessment for proposals for new out of centre retail development over 700sqm ‘gross’ floorspace. The policy states that in order to maintain and enhance the viability and vitality of the city centre, new retail uses will be focused to the core of the city centre as defined below. Any identified need for further major retail development over the plan period will be met within the Eign Gate and that part of the Edgar Street regeneration area which lies within the defined town centre, including the Old Market, along Blueschool Street and through the refurbishment and re-development of the Buttermarket.

Neighbourhood Plan

6.20 The Neighbourhood Development Plan known as the Belmont Rural Neighbourhood Development Plan was made on 6 October 2017. It now forms part of the Development Plan for Herefordshire.

- Policy 6: Accessibility & Connectivity – mentions that “new development should take every available opportunity to provide new and enhanced safe footpaths and cycleways”, this policy mainly focuses on sustainable modes of transport, to increase active travel.
- Policy 7: Supporting small and medium businesses in Belmont Rural – states that existing small/medium businesses will be supported within the neighbourhood plan area and where they exist small scale expansion will be supported if the following criteria are met:
 - a. There is a satisfactory means of access and adequate parking provided on site;
 - b. There will not be unacceptable harm to the amenity of any neighbouring properties;
 - c. All new development must demonstrate good quality design. This means responding to and integrating with local surroundings and landscape context as well as the existing built environment;
 - d. Development can only proceed where any likely significant effect on the River Wye SAC can be avoided or mitigated.

National Planning Policy Framework: December 2023

6.21 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 4. Decision Making
- 6. Building a Strong Economy
- 7. Ensuring the Vitality of Town Centres
- 8. Promoting Healthy and Safe Communities
- 9. Promoting Sustainable Transport
- 11. Making Effective use of Land
- 12. Achieving Well-Designed Places and Beautiful Places
- 14. Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 15. Conserving and Enhancing the Natural Environment

6.22 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 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.

6.23 Paragraph 85 recognises planning policies and decisions “should help create the conditions in which businesses can invest, expand and adapt.” Therefore, there should be significant weight on the need to support economic growth and productivity. This can be done by considering both local business needs and wider opportunities for development.

6.24 Chapter 7 sets out the Governments’ strategy for ensuring the vitality of town centres. Proposals for main town centre uses should be located within existing town centres, which are considered the most sustainable locations for such uses. The NPPF sequentially prioritises sites within existing centres, rather than edge-of-centre or out-of-centre sites for these uses.

The NPPF recognises the wider role town centres play for their communities and planning decisions should support this.

Paragraph 94 states that “when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

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

NPPF paragraph 95 states where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused. Referenced Paragraph 94 b) states the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

6.25 NPPF Paragraph 131 states The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

6.26 Chapter 6 of the National Planning Policy Framework (NPPF) sets out policy guidance aimed at creating the conditions in which businesses can invest, expand, and adapt. Paragraph 85 recognises planning policies and decisions “should help create the conditions in which businesses can invest, expand and adapt.” Therefore, there should be significant weight on the need to support economic growth and productivity. This can be done by considering both local business needs and wider opportunities for development.

6.27 Paragraph 96 confirms planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
- Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

- Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

6.28 Chapter 9 addresses sustainable transport and states it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.29 Paragraph 115 states 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 impacts on the road network would be severe.

6.30 Chapter 11 of the NPPF document is the 'Making effective use of land' and in terms of retail, paragraph 127 states that Local Planning Authorities (LPA) should take positive approach to applications for alternative uses of land which is currently developed.

6.31 Chapter 12 of the NPPF confirms that it's important to create high quality, beautiful and sustainable buildings. NPPF Paragraph 131 states The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

6.32 Chapter 14 addressed climate change and flooding. Paragraph 164 states that, in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency, including through installation of solar panels).

6.33 Paragraph 168 sets out the aim of the sequential test, which is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 169 states that the need for the exception test will depend on the potential

vulnerability of the site and of the development proposed. Buildings used for shops are classified as 'less vulnerable' development where the exception test is only required in flood zone 3b. Para 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 175 states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

6.34 Paragraph 180 guides and states that planning decisions should “contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

6.35 Paragraph 191 advises planning decisions “should ensure that new development is appropriate for its location taking into account the likely effects... of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site” or the surrounding areas to impacts that could arise from the development activity.

6.36 Paragraph 57 mentions that planning obligations should “only be sought where they meet all of the following tests:

- 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.”

Key Considerations

6.37 The key considerations in the assessment of this application are:

- Principle of development including retail impact
- Design: townscape and visual impact
- Transportation, Access and Parking
- Impact on neighbouring residential amenity

- Drainage/Flooding
- Landscape and Trees

Principle of Development

- 6.38 As a starting point the application site is brownfield land within the Herefordshire settlement boundary. It is situated in a location which is accessible by a choice of means of transport. The proposals are considered to form a sustainable location for redevelopment.
- 6.39 Chapter 6 of the National Planning Policy Framework (NPPF) sets out policy guidance aimed at creating the conditions in which businesses can invest, expand, and adapt.
- 6.40 Chapter 7 of the NPPF sets out policy guidance aimed at positively promoting and enhancing competitive town centres and supporting their vitality and viability. Proposals for main town centre uses should be located within existing town centres, which are considered the most sustainable locations for such uses. The NPPF sequentially prioritises sites within existing centres, rather than edge-of-centre or out-of-centre sites for these uses.
- 6.41 Where development proposals involving main town centre uses located outside of town centres are made, the NPPF requires the LPA to apply a Sequential Test. Due to the site's out-of-centre location, the application of the sequential test is required. As the proposed store is over the locally set threshold of 700m², an assessment of the retail impact, as a consequence of the proposed store, is also required.
- 6.42 Policy and guidance underlines that the scale and scope of retail assessments should be proportionate to the scale of development proposed and this is applied in this instance. Policy is permissive of retail development outside of designated centres if the sequential and impact tests are satisfactorily addressed. The LPA's opinion on the relevant policy tests is set out below:

Sequential Test

- 6.43 The application site lies in an out-of-centre location in retail policy term and this is agreed by both the applicant and the Local Planning Authority. The National Planning Policy Framework (para. 91) is clear that main town centre uses should be located in town centres first, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.44 The NPPF and Policy E5 of the Core Strategy require that the sequential approach to site selection should be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date development plan. Applications for main town centre uses should be located within a town centre, then in edge-of-centre locations, and only if suitable sites are not available should out of centre sites be considered. The NPPF further requires that applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 6.45 As part of a sequential assessment the applicant is required to set out their site/unit requirements and national policy requires that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The applicant's Planning & Retail Statement states that the applicant requires a site that can accommodate a store in excess of 1,900 sqm gross and that a development site of approximately 0.8ha would be required in this regard. However, in recognition of the requirement for flexibility, the site area for the purposes of the sequential test was reduced by 25% to 0.6ha. The area of search comprised Hereford City Centre, and Oval and Belmont neighbourhood centres.
- 6.46 Your officers and the Council's Retail consultants have reviewed the submitted information and are satisfied with the methodology and approach applied. Both of the Council's retail advisors and

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

your officers agree that the parameters for undertaking the sequential test are flexible and appropriate to form the basis for site selection. Furthermore, it is agreed that the search areas identified are suitable for the catchment and that no centres have been missed.

- 6.47 The submitted sequential assessment found no suitable or available sequentially preferable site to accommodate the development. JW Planning have also previously advised on the availability of sequentially preferable sites in respect of another application and defer to your officers' local knowledge as to whether there have been any material change in circumstances since that assessment. Your officers are satisfied that there has been no material change in circumstances.
- 6.48 Accordingly, a search for sequentially preferable sites has been undertaken in a flexible way and there are no other sites that are suitable, viable or available. It therefore stands that following a robust assessment, there are no sequentially preferable sites within or on the edge of the identified centres which could realistically accommodate the proposed store. As a result and in respect of sequential assessment the provision of a food retail store in an out of centre location is acceptable in principle and accords with the NPPF and policy E5 of the Core Strategy.

Retail Impact Assessment

- 6.49 Due to the site's out-of-centre location, the application has been accompanied by an assessment of the retail impact, as a consequence of the proposed store. The NPPF states that an impact assessment needs to accompany planning applications for main town centre uses that are not in a centre and not in accordance with an up-to-date development plan "if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500sqm)".
- 6.50 The NPPF also states this should include an assessment of:
*"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*
(Para 94 (a) and (b))
- 6.51 The NPPF is also clear in stating that only proposals which are likely to have a "significant adverse impact" on one or more of the above factors should be refused.
- 6.52 This application is for a floor space of c.1,895sqm GIA which is under the prescribed NPPF threshold. Policy HD2 of the adopted Herefordshire Local Plan Core Strategy requires an impact assessment for proposals for new out of centre retail development over 700sqm 'gross' floor space. This application is supported by an impact assessment which has been reviewed by officers and the Council's retail specialist.
- 6.53 Following the withdrawal of the previous application (221090) and the period since the previous application was submitted the Council has updated its retail evidence with the publication of the Herefordshire Town Centre and Retail Assessment (HTCRA, Nexus, September 2022) see link below. The focus of this Study was to establish the current position in respect of the need for additional retail and leisure facilities in Herefordshire, and to consider the vitality and viability of the authority's principal defined centres. This study replaces the previous Town Centres Study Update, which was undertaken by Drivers Jonas Deloitte and reported in December 2012. In assessing the trading impacts of the proposed food store regard has been had to the approach advocated within Planning Practice Guidance when examining the diversion of trade. This uses a 'like affects like' principle with the reasonable assumption that a new discount food store would divert the majority of trade from equivalent surrounding food shopping destinations.

- 6.54 This application has been supported by a retail impact report and assessment based on the Nexus HTCRA. The Herefordshire Town Centre and Retail Assessment report can be viewed on line at: <https://www.herefordshire.gov.uk/downloads/file/24354/town-centre-and-retail-assessment-september-2022>
- 6.55 Within the National Planning Practice Guidance there is detail on how the impact test should be used in decision making and this is detailed within 'Town centres and retail' section of the National Planning Practice Guidance (NPPG). It is noted that the two retail assessors (the council retail expert and that of the applicants) have a difference in professional opinion in regard to the closing of the Iceland store in Eign Gate. The applicant has produced a response in regards to the statement that by the Councils retail assessor stated in their comments they have tried to 'disguise' the effects of the Iceland closure by not treating it as a commitment. However, as a point of clarity "Commitments" tend to be floorspace which has been granted planning permission but have not yet commenced trading or which had not commenced trading at the time of the relevant evidence base. Officers are of the opinion this does not apply to the closure of the former Iceland store. Given the disagreement between the applicant and the Council's advisor and given the publication of the HTCRA by Nexus, officers also sought the view of Nexus on the acceptability of the proposal.
- 6.56 The Council's retail advisor has supplied commentary which has been reviewed by officers and can be seen within Appendix 1. It is acknowledged that the Council's retail advisor has advised within their comments about the centre's being 'vulnerable', however it is also observed in the Carney Sweeney note (final response dated 6 October 2023) that:
- "JWPlanning accept, at paras 30 & 31 "that there is a good mix of retailers in Hereford City Centre, including a good range of convenience traders in the central core of the City Centre and on the edge of the Centre (within the Goad Map area)." And that it "...also has a strong role as the administrative and service centre for the County, as well as being an historic ecclesiastical centre."*
- 6.57 Officers note that the JW Planning has raised concerns about the City centre's vulnerability, notwithstanding this view your officers have also looked at 'local circumstances' and what constitutes 'significant adverse impact'. The Town Centres and retail PPG (para 018) confirms that there is no definitive definition in regarding what constitutes 'significant adverse impact' in the context of the impact test when looking at the NPPF: 'A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.'
- 6.58 As highlighted within the Nexus HTCRA the overall health of Hereford Centre is described as 'moderate', and this is when looking at the vacancy rate and its associated impact on appearance and function of the centre. However, Nexus also find that it is the focus for national multiple retailers in the County, accommodates a significant number of high end and independent retailers, provides an attractive retail destination with a high standard of environmental quality and benefits from a diverse range of retail operators.
- 6.59 In respect of vacancy the applicant has supplied details of vacancy rates within their update note and also makes reference to the survey undertaken by Nexus.
- 6.60 While Nexus conclude the health of the centre is moderate, there is no suggestion that the centre is fragile or failing. It serves a robust purpose and is relied upon as the key centre in the County. Vacancy is not entrenched and is falling and the associated impact of vacancy on appearance is capable of being mitigated. As such, we firmly believe that the local circumstances are such that a -0.6% impact (as claimed by the applicant) or even a -2%-3% impact (as suggested by the

Council's advisor, to allow for prudent variation) on the centre would not be significantly adverse. The existing strong make up and role of the centre would continue.

- 6.61 Officers have concluded that when assessing impact regard must always be paid to local circumstances and comparisons between centres should always be made with caution. Officers have also taken advice from economic development colleagues in regards to local occupancy of retail units. Evidence provided as in April 2023 it was reported that 65 of the 500 units were vacant (13%). As of April, the national figure was 13.8%, or thereabouts (end of Q4) <https://www.retail-insight-network.com/news/brc-retail-vacancy-uk/> The Old Market currently has 3 vacant units out of 33 (9.09% - this is good compared to the national average of 17.8%. Some units have a single occupier.
- 6.62 Nexus, concludes at paras 18 & 19 of its latest advice dated July 2023 (see Appendix 2) that “we are of the view that the trade diversion assumptions set out above are unlikely to result in an impact which could be considered to be significant on Hereford city centre. This conclusion has been reached having regard to the existing health of the centre, the nature of the proposal, the existing established shopping patterns and the location of the application site.” And that “...we are now satisfied that the application also complies with the second part of the impact test and therefore complies with paragraph 91 of the NPPF and Policy E5 of the adopted local plan.” This advice can be seen in Appendix A of this report.
- 6.63 The applicant has provided an assessment of trading impact to surrounding main stream food stores and centres, taking account of both convenience and comparison retail goods expenditure. The analysis concludes that the proposed store is highly unlikely to result in a significant impact to the long-term trading performance of surrounding mainstream food stores and with only limited trade diversion. The assessment includes a health check analysis of these areas in order to determine vacancy rates, environmental conditions and the current vitality and viability of any of the identified, defined centres and shops will remain largely unaffected. There is no evidence to suggest that the role and function of these centres will abate following the introduction of the proposed foodstore and would therefore comply with the relevant policy and guidance.
- 6.64 Pulling all matters together, officers have concluded that when looking at the local level and the local circumstances they are of the opinion/judgment that 2% would not lead to an overall decline in the vibrancy/vitality of Hereford City/centre and as such would not lead to significant adverse impact.
- 6.65 Officers are satisfied that Hereford City is vital and viable when assessed against the relevant NPPG indicators. An impact assessment has been carried out in a transparent way, based upon up-to-date data and making robust assumptions. The impact assessment finds the proposed development is not likely to give rise to a significant adverse impact on existing, committed and planned public and private investment in the centre or on centre vitality and viability. The local planning authority do not agree that the city centre is fragile or failing. On balance, drawing all the above together officers have concluded that the potential impact on the city centre trade would not be significantly adverse and would not conflict with the objectives of Core Strategy policy E5 and HD2 and the proposal is not considered to materially affect the vitality and viability of Hereford City Centre.

Conclusion on Retail Matters

- 6.66 It is considered that the application is supported by a robust impact assessment and that there are no sequentially preferable sites, the proposed store can be satisfactorily accommodated without any significant effects upon existing retail operations within the identified catchment area, the store will not have a significant adverse impact upon existing protected retail locations within the identified catchment area. It is believed on balance the proposed store is located within a sustainable location and that the addition of a discount retailer will add to consumer choice and quality of shopping provision in the area in which the site is located. In regards to trade impact on

the vitality and viability of the centre, the development would not have a significant adverse impact and accord with the NPPF and policy E5 of the Core Strategy. A condition is recommended to limit the floor space and mix based on the application as submitted.

Employment Creation

- 6.67 The proposed development will create approximately 40 full time equivalent (FTE) jobs and these positions will be at varying skill and experience levels. This is aside from creating employment during construction and through supply chains and this will be a boost to the local economy. The site is capable of being accessed by a choice of transport modes and thus is consistent with policy E1 which gives preference to locations that are accessible by a choice of sustainable modes of transport. The creation of employment will be beneficial to the local economy and as such the proposal accords with the Government's commitment to securing economic growth (Chapter 6 of the NPPF) and policy E5 of the Core Strategy.

Transportation, Access and Parking

- 6.68 Core Strategy Policy SS4 relates to movement and transportation and states new developments should be designed and located to minimise the impacts on the transport network. Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy sets out, amongst other things, development should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed or mitigated. Additionally, to ensure safe entrance and exit and have appropriate manoeuvring facilities.
- 6.69 NPPF sets out at paragraph 114 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 without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 115 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.
- 6.70 The applicant has provided a detailed Transport Statement and a Travel Plan and following discussions with the Council's Local Highway Authority Officer further amendments were sought to address the entrance into the site and car park layout. Concerns were initially raised by the Local Highways Authority, and it is noted highway matters have been raised by local residents. To address concerns the submission of a detailed plan showing the proposed off-site highway/walking/cycling improvements, drawings in regard to the A465 taper length to ensure it meets the required standards as well a plan demonstrating the swept path of the largest delivery vehicle traversing the site to and from the loading bay were provided. Also clarification was sought in regards to the 'one-way system through the car park for visitors to the store'.

Current Access

- 6.71 The existing vehicular access to the site is via a priority T Junction along the A465 Belmont road to the south. The A465 is one of the main strategic highway routes within Hereford taking traffic between the A49 in the centre of Hereford to the east and Abergavenny to the west. This road is currently subject to a 30mph speed limit and there is a speed camera located on the North Side of the road in close proximity to the application site. Pedestrian access is currently provided at the vehicle access junction via a direct connection into the footway which runs along the north side of the A465. There is also a grass verge which runs along the footway which is about 1.8m

wide. As confirmed within the submitted transport statement and evident on site about 55m east from the site access there is a refuge island crossing point across the A465 which provides connectivity into the footway running along the side of the road. A signal crossing is located some 250m to the east of the site.

Pedestrian Priority & Movement

- 6.72 As can be seen from the submitted proposed layout plan a number of highway and pedestrian improvements are proposed. Existing footways along the site frontage on the northern and southern sides of Belmont Road (A465), will be increased in width to 2.0m. The existing footways to the west of the site, along the northern side of Belmont Road (A465) leading to Flaxley Drive will be widened to 2.0m. Also a new 3.0m wide shared use cycleway/footway will be provided from the end of the existing shared use facility on Goodrich Grove along the southern side of Belmont Road (A465), leading to an upgraded pedestrian refuge island on Belmont Road. The existing Belmont Road (A465) refuge island will be widened to 3m to facilitate shared use. The existing footway along the northern side of Belmont Road (A465) will be increased in width to 3m from the proposed upgraded refuge to a dedicated 3.0m wide internal footway/cycleway which crosses the existing verge and leads directly to the store frontage and the cycle storage area.
- 6.73 The site is ideally situated to be accessed by a range of non-car modes including walking, cycling and public transport as well as travel to the site by sustainable modes to be further promoted via a Travel Plan which will increase awareness of and encourage the use of travel by non-car modes or car sharing. Within the car park there will be cycle parking, with 118 car parking spaces of which 8 disabled and 10 parent/child spaces. The layout also includes the provision of 2 electric vehicle charging points.

Proposed Access

- 6.74 The proposal has evolved and the location of the site entrance, has been altered to provide an improved arrangement. This redesign consists of a right turn lane arrangement along the A465, with a single lane approach provided on the site exit approach arm. The right turn lane along the A465 has been designed to accommodate the anticipated development traffic volumes. The site access works also include a 2m wide pedestrian refuge, to facilitate pedestrian movement across the junction bellmouth. The proposed pedestrian refuge is located on the desire line. As part of the submission traffic modelling has been produced which identified that the proposed new site access junction would be expected to operate well within theoretical capacity with the proposed development in operation. It also highlighted that 'Some minor delay may be anticipated within the site during the weekday PM peak hour, but no queuing or delay is anticipated during any period along the A465 arms of the junction'. The councils transport officers have reviewed the submission and confirmed that the proposal is not anticipated to cause any significant capacity issues on the local highway network.
- 6.75 Also as detailed within the transport statement a review of the accident record does not identify any significant highway safety issue at the site access junction, and the increase in traffic generated by the proposed development is unlikely to exacerbate the existing safety record and again Transport Officers have not disputed this data.

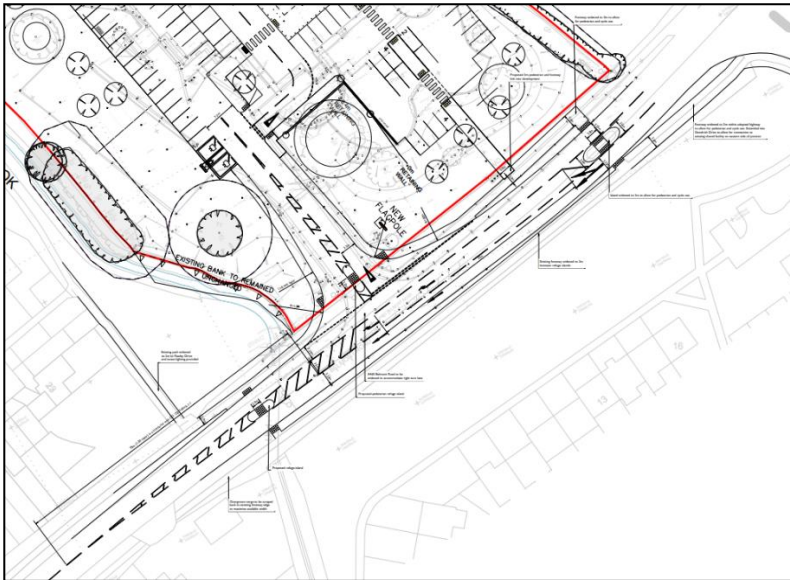


Figure 5: Proposed access junction

6.76 The existing cycle route will benefit due to the addition of connecting Goodrich Grove directly with the site. It is also noted that new lighting is proposed alongside Newton Brook into Flaxley Drive which will improve security as well as promote safety of pedestrians.

Servicing

6.77 HGV Tracking details have been provided to ensure that delivery trucks can move safely into and out of the site. There would be one or two deliveries per day.

Travel Plan

6.78 As part of the submission a travel plan has been submitted which aims to maximise active modes of travel and use of public transport and this will be secured by an appropriately worded conditions.

Speed Camera

6.79 A fixed speed camera is located on the southern side of the road along the A465, within an existing verge. The installation of traffic and speed cameras is not development as defined in the Town and Country Planning Act 1990, so neither planning permission nor permitted development rights are required for their installation. The application proposes widening the verge and therefore the carriageway markings associated with the camera will need to be repainted during the junction construction. West Mercia Police have been consulted and have confirmed they wish the speed camera to remain along Belmont Road and this may need to be realigned during works.

6.80 Any works to both the carriage way markings and location of the speed camera will be secured in liaison with West Mercia Police by an appropriately worded condition.

6.81 To conclude the proposal has been reviewed by the Transportation Manager who confirmed that subject to conditions the proposal was considered to adhere to Core Strategy MT1 and the published highways design guidance. Any vehicular uplift is not considered to be severe in accordance with the NPPF, they are content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. Therefore officers are satisfied the proposal is in accordance with Core Strategy policies SS4 and MT1 and the requirements of para 114 of the NPPF and the aims of the Belmont Rural Neighbourhood Plan (Policy 6).

Flooding and Drainage

- 6.82 The Council's Land Drainage Team (Local Lead Flood Authority) has been consulted on the application as have Welsh Water. A Flood Risk Assessment (FRA) and Drainage Statement has been submitted to accompany this planning application. 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).
- 6.83 The site is located in low risk Flood Zone 1 and because the proposed development is more than 1 hectare, it is supported by a Flood Risk Assessment. As highlighted by within the drainage comments though the site is located in Flood Zone 1 on the EA mapping, there is a known issue of flooding both onsite and within close proximity to the site from Newton Brook. The Newton Brook watercourse is described as being 'complex in the immediate site area'. Due to an existing culvert and the fear that alterations to the site would lead to an increase in flood risk due to the likelihood of the culvert blocking and the the potential of an increased risk of the highway culvert blocking due to a supermarket trolley being disposed of in the channel, drainage colleagues initially objected to the proposal due to the possibility of an increase flood risk to residents.
- 6.84 Following the submission of additional details to satisfy earlier concerns raised by drainage colleagues the objection has been removed and officers have confirmed no objection subject to suitably worded conditions to address earlier concerns in particular, detailed surface water drainage design plans/construction drawings and associated calculations, trial pit information and a shopping trolley condition. Therefore officers are satisfied that a Sequential Test in regards to planning and flood risk as per the NNPF para 167 is not required.
- 6.85 Welsh Water have confirmed that there is capacity within the existing public sewerage network in order to receive the domestic foul only flows from the proposed development site and advised no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Welsh Water have raised no objection to the proposal, however have recommended a compliance condition advising that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and advisory notes. As such, officers would conclude that the application aligns with both Core Strategy policies SD3 and SD4 and will be controlled via conditions.

Landscaping and Trees

- 6.86 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. 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 and extend tree cover where important to amenity. As part of the submission a planting schedule, planting methodology and aftercare landscape management plan, arboricultural method statement and detailed drawings have been submitted. The site is not located within any locally or nationally designated landscapes and the landscape officer and tree officer have both been consulted on the application and provided comments.

6.87 The landscape officer within their comments have confirmed that the site is within the urban area of Hereford and identified that albeit the existing hotel and its grounds are ‘dated / of their time’, the site is not a ‘degraded, derelict or detracting feature in landscape or townscape terms’. They have highlighted that the green frontage and site trees do make a limited positive contribution to urban green infrastructure. The retention of the three mature trees along the Belmont Road frontage is therefore a positive, as well as retaining the adjacent boundary trees and planting. As identified within the submission this overall landscape is also enhanced by the ornamental amenity shrubs around the new car park. As shown on the submitted landscape plan there are also areas of amenity grassland adjacent to the main road, with the addition of wildflower grass areas to the east and west site edges. The west and north boundaries have a proposed strip of native shrub planting, together with new tree planting. This is seen as a welcome addition to the proposal by the landscape officer in their comments and have confirmed no objection to the proposal in relation to Core Strategy Policy LD1 on landscape and townscape character and landscape schemes, or LD3 on green infrastructure.

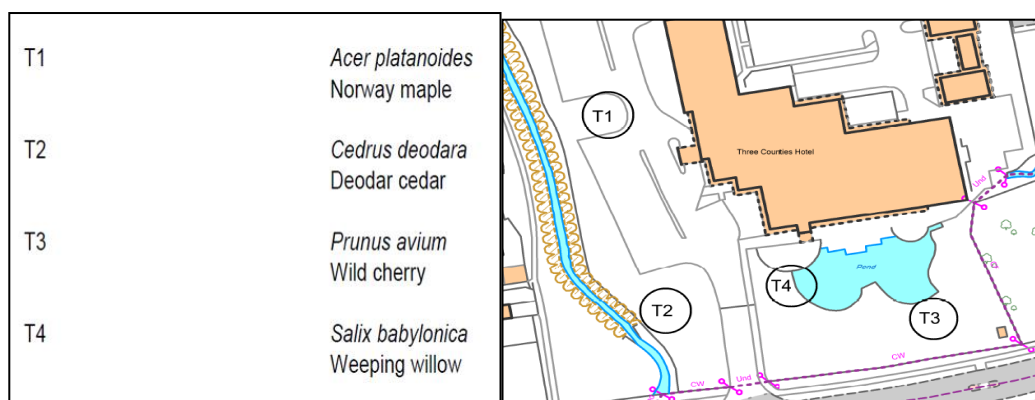


Figure 6: TPO trees

6.88 As can be identified on the existing site plan, there are a number of trees positioned to the front of the site and an existing ornamental pool and patio area. Officers secured 4 of the trees to be subject of a Tree Preservation Order. These trees were due to be removed in the previous application so a Tree Preservation Order was served on 4 individual trees, ref T1, T2, T3, & T4 (see figure 6).

6.89 The proposed site layout has evolved and designed to ensure that the TPO trees on the site are protected as well as ensuring that the ground levels maintained within the root protection areas. Also the proposed access, and parking has been located away from the trees whilst the perimeter of the roots of T4 are protected by the retaining wall. The tree officer has reviewed the proposal and supporting information and confirmed that they are supportive of the retention and protection of existing trees and the proposed new planting will mitigate the loss of existing trees with a total of 31 trees, which are generally 3-4m in height, being planted. Much of the planting is located in the already grassed areas on the west and east side of the site with 3 trees located within the new parking area. As identified by the tree officer when the trees become established they should provide a net gain in canopy cover across the site and help break up the visual impact of the building and hard standing. The proposed tree retention, planting and landscaping will deliver a positive impact on the streetscape. Accordingly, the development is considered to accord with policy LD1 through the appropriate replacement of trees lost and new planting to support green infrastructure. Both the tree officer and landscape officer has raised no objection and concluded that the proposal is in accordance with Core Strategy Policy LD1 and LD3. Therefore officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy LD1 and LD3 of the Herefordshire Core Strategy.

Residential Amenity/ impact on Living Conditions

- 6.90 Core Strategy Policy SD1 and NPPF Core Planning Principles require good standards of amenity. This could be as a result of overlooking, noise, fumes, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution. It is acknowledged that there are residential properties in close proximity. In terms of noise, odour and light pollution, the nearest residential properties being Glastonbury Close and Flaxley Drive. When reviewing the proposal in regards to the potential effect of noise, vibration, smell, and other pollution, the proposal has been assessed by officers and technical officers within the Environmental Health Team.
- 6.91 The NPPF recognises the need to make efficient use of land, whilst ensuring safe and healthy living conditions and that developments should create safe, inclusive and accessible places that promote health and well-being with a high standard of amenity for existing and future users – where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.92 Development on the site has the potential to impact on existing residents, as the proposed development is to be positioned relatively close to the boundary with existing dwellings. The scale and mass of any building sited within close proximity to existing dwellings may result in development that would appear overbearing and obtrusive or result in a loss of light. In addition to the location of windows sited close to existing properties might result in unacceptable overlooking and a loss of privacy, albeit this is not the case in respect of this proposed development due to the placement of windows.
- 6.93 As part of the submission a noise assessment has been provided and considers noise from fixed mechanical plant, deliveries and customer vehicles. Within this report it is noted that background day and night time noise levels were taken in two locations thought to be representative of the background noise at Glastonbury Close and Flaxley Drive.
- 6.94 As highlighted in the EHO comments the noise recordings were also taken between the hours of 05:00 to 7:00 and 20:00 to 23:00 and the noise assessment considers the noise from HGVs delivering to the store during a normal store delivery taking about 60 minutes. The report anticipates no more than 2 HGV deliveries per day and as can be seen on the submitted plans the application proposes a level dock for vehicle unloading. The proposed plant includes outdoor air handling units, food refrigeration pump stations and dry coolers which will be mounted on anti vibration mounts. As part of the submission proposed mitigation has been included and this includes a 3m high acoustic fence (solid barrier) around the plant area as well as proposing a 1.8m high fence to the north with a 2.4m high acoustic fence (solid barrier) installed above the retaining wall in the delivery bay.
- 6.95 In terms of the impact of the existing acoustic environment on future occupiers, the Council's Environmental Health (Noise) Team have assessed the report, its methodology and assessment within their comments. They have no objections to this application subject to suitably worded conditions being added to any permissions granted. It is noted that the noise assessment discusses the context of its findings and concludes that the cumulative noise level will represent a No Observed Adverse Effect Level in accordance with the National Planning Practice Guidance where noise is noticeable but not intrusive.
- 6.96 As noted on the plan below to ensure acceptable standards of amenity for neighbouring residential properties proposed acoustic fencing and a landscape buffer has been provided. Also the plant area and the delivery bay will be enclosed to ensure that the proposed use of the store will not impact residents. The proposed mitigation in regard to boundary treatments can be seen on the proposed boundary treatment plan below with figure 7.

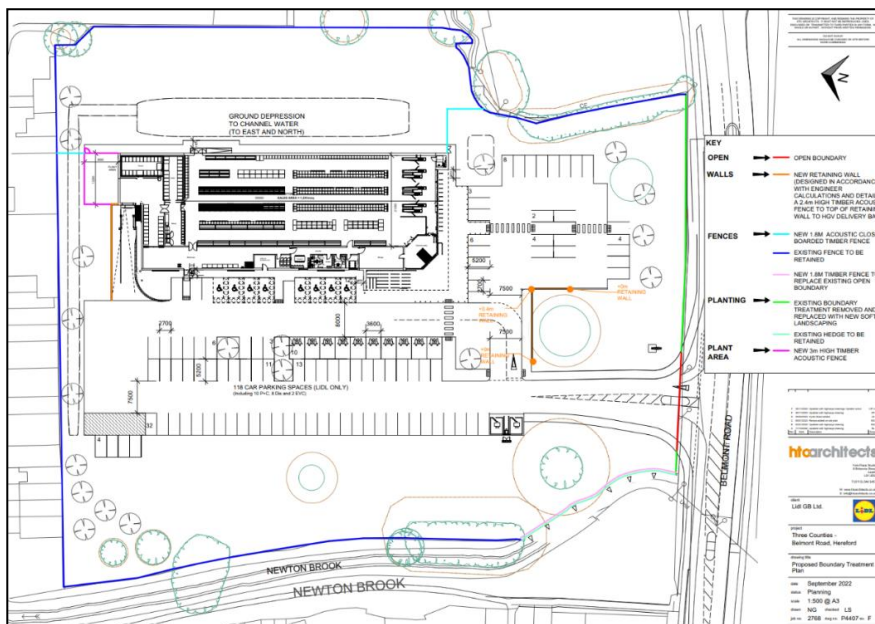


Figure 7: Boundary Plan

- 6.97 A construction management plan has been recommended in order to control and minimise disturbance during the construction phase, given the proximity of the site to residential receptors. Once completed, the development should have no greater implications for noise generation or nuisance than the existing use. In addition to noise from deliveries and the store, the installation of external lighting of the development could also potentially give rise to nuisance to occupiers of the dwellings to the north, east and west of the site, as security/flood lighting if poorly installed and set-up could cause unwarranted glare to occupiers. A condition is recommended for the submission of external lighting details such that all reasonable mitigation measures can be assessed and implemented.
- 6.98 To conclude proposed conditions shall be imposed to control the hours of working during the construction period and for the submission of a construction management plan, to limit impacts of dust and noise upon surrounding occupiers to satisfactory levels during construction. Noise impacts to the surroundings will be minimised where possible with the help of proposed acoustic fencing and a landscape buffer. The plant area will be enclosed by a 3m high timber acoustic fence, whilst a 1.8m timber acoustic fence will control access to this area to the rear of the proposed store. A new 2.4m high timber acoustic fence will be also added on top of the retaining wall of the delivery bay. Incorporation of these timber acoustic fences will ensure that the operation of the store will not impact residents.
- 6.99 Therefore officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy SD1 and SS6 of the Herefordshire Core strategy and the NPPF in terms of safeguarding amenity.

Lighting

- 6.100 As highlighted within the ecology officers comments the locality is already subject to significant night time illumination levels. However to ensure this is not increased suitable worded conditions have been added to submit a relevant and detailed lighting scheme with illumination plans. This will ensure that any light pollution emanating from the building at night does not impede the view of the night sky and cause glare effects. Therefore officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy SD1 and SS6 of the Herefordshire Core strategy and the NPPF in terms of safeguarding amenity.

Crime and Security

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

- 6.101 The proposal has been designed with crime prevention and safety fully in mind and this includes measures to be incorporated which would reduce opportunities for crime, including CCTV and lighting.

Loss of Community Asset

- 6.102 Core Strategic Policy SC1 relates to Social and Community facilities. Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. This policy provides no definition of what facilities are to be treated as 'social and community facilities'. Notwithstanding the comment above officers consider that hotels provide a service to paying guests, principally from out-of-area, in providing a place to stay for the night, so do not meet the needs of the local community and are therefore not deemed to a community facility. Furthermore, the primarily function of the site as a hotel for paying guests ceased in March 2023 when the site began to be used to house asylum seekers. It is noted that within representation received it is claimed that the hotel bar may have acted as a pseudo public house for the local area. However, officers consider a hotel bar, like the hotel function rooms, was ancillary to the hotel (overnight stays) use prior to it being closed. The 'bar function' also ceased operating in March 2023. As such there is no conflict with Policy SC1 and the use of the hotel and ancillary bar do not fall under the terms of this policy.

Notwithstanding the bar and hotel functions have ceased, given the alternative provision in the locality, any resulting harm would be very limited.

Heritage

- 6.103 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."
- 6.104 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.
- 6.105 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.
- 6.106 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.
- 6.107 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.

- 6.108 The site is not within a conservation area nor does it contain or adjoin any designated or non-designated heritage assets. It is also noted that the existing building is not a non-designated heritage asset. As such noting the age, design and character of the building, officers would not consider the building to be of local interest to warrant retention. Therefore, officers would raise no objections to the proposed demolition. There are listed buildings within the area (the closest being the Grade II listed Barwood House, located 330m to the north with intervening residential estate, however they are sufficient distance from the site not to be affected by the proposed redevelopment of the site.

Ecology and Biodiversity

- 6.109 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The application is supported by a preliminary ecological appraisal produced by 'Just Mammals dated March 2022' and this initial appraisal was updated to take in account specifics of the site including the ornamental pond, and summer bat activity (October 2022). The hotel buildings and the trees on site were not found to contain bat roosts and the work 'test' on the ornamental pond concluded that the presence/likely absence of great crested newts was negative. The ecological appraisals and application has been reviewed by the Councils' ecology officers. Ecology colleagues have raised no objection to the findings and advised that from the supplied information there is no reason for the Local Planning Authority to consider there will be any significant or longer term impacts on local protected species population or other wildlife. Mitigation and enhancement measures within are secured by condition. Conditions restricting lighting to protect dark skies, proposed biodiversity net gain enhancement features and securing submission of Construction Environmental Management Plan are included as per the Ecology recommendations. The proposal, subject to conditions is therefore considered acceptable, according with policy LD2 and SS6 of the Core Strategy.
- 6.110 The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024 confirm that the requirement for 10% BNG does not apply to permissions where the application for permission was made before 12 Feb 2024. As such, it is not a requirement for the current application to demonstrate a 10% gain. Nonetheless, section 10 of the submitted ecology report (October 2022) shows a gain well in excess of 10%.

Habitat Regulations Assessment

- 6.111 The application site is within the River Wye SAC catchment; directly adjacent to a main local tributary Newton Brook and therefore development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the Local Planning Authority. The Council's Ecologist has reviewed the submitted proposal and highlighted in their comments that the previous application on the site was subject to full Habitat Regulations Assessment with a conclusion of 'no adverse effects' on the River Wye SAC and this 'HRA' was subject to a 'no objection' response from Natural England dated 15 June 2022 ref 393376 (see Appendix 3). The Council's ecologist advised that 'with no significant changes identified for the current application the LPA can formally adopt this previous Habitat Regulations Assessment and formal Natural England response in respect of this current application.

Design, Appearance and Layout

- 6.112 Core Strategy Policy SD1 relates to sustainable design and energy efficiency and states development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

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

- *ensure that proposals make efficient use of land - taking into account the local context and site characteristics,*
- *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;*
- *safeguard residential amenity for existing and proposed residents;*
- *ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;*
- *create safe and accessible environments, and that minimise opportunities for crime and antisocial behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measures.*

6.113 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 (a) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

6.114 Policy SD1 is engaged in the first instance. This states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

6.115 Core Strategy policy LD1 – Landscape and townscape criteria requires new development must achieve the following:

demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including 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 Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.

6.116 The application is accompanied by a Design and Access Statement which explains the rationale in regards to the site's context and building design. The proposal included the demolition of the existing buildings on the site and the proposed replacement structure is a modern mono-pitched retail unit and as detailed within the supporting documentation the building design is 'driven by its functional requirements'.

6.117 However, the layout is well conceived and has suitable landscaping. The proposed store is located at the east to allow for a clearly maintained street line and relationship to existing structures. Glazing on the store will help create an active frontage to the existing streetscape. The single storey building is appropriate and the building's scale, mass and design is considered to be appropriate when looking at the immediate context. The proposed store will have an active retail frontage. As detailed within the submission the proposed building layout graduates in its profile from its main elevation to its rear elevations as it grades downwards towards the rear elevation. The front of the building shows a clear entrance and exit route from all angles of approach. The glazed side elevation will face towards Belmont Road. The proposed development is one storey high with the main frontage facing the road with canopy and a mono pitched roof that reduces towards the eastern boundary. This ensures a retail frontage along Belmont Road whilst the scale of the rear (to the east) reduces in height. The massing and scale of is appropriate and in comparison to the surrounding properties

- 6.118 The proposed design to be built from natural and neutral colours and materials. The final details of the materials have been conditioned. The site is not considered to be in a sensitive nor in a prominent location and the proposal is considered to be appropriate for an edge of town setting. It is acknowledged that a number of representations have highlighted the site is not bespoke. When looking at the site's context it is bound by the A465 road and existing residential development and when looking at the redevelopment oval and residential development in close proximity to the site officers are satisfied that the new building would not be out of place. The building design would not have a significant negative impact on visual amenity. The use of a suitable palette of materials will create a modern aesthetic while being complimentary to the surrounding area. Whilst the overall form is a template design and not itself a unique response to context, the details secures an acknowledgement of the context and officers consider the overall design and layout is appropriate for the site.
- 6.119 The scale of the development is to be in keeping with the surrounding neighbouring properties. The site also adjoins residential development on 3 sides and landscaped boundaries are proposed adjacent to residential properties that will maximise screening, reduce the impact of noise and ensure a green border is created to maintain privacy.
- 6.120 On the basis of all of the above the design of the retail unit is considered acceptable and represents an informed response to context which when combined with the landscaping proposal features both mitigation and enhancement of the site and locality. The proposal with respect to landscape and design, satisfies Herefordshire Core Strategy policies SS6, LD1 and SD1, as well as the relevant aims and objectives of the NPPF.

Demolition/Construction Management

- 6.121 The principle of the demolition of the existing building on site is to be considered as part of this application, see figure 8 below which highlights the structures on site to be demolished. The present structure is considered to be of minimal architectural merit and the loss of the existing structure would offer significant public benefits by leading to environmental, social and economic improvements to the local area. The minerals and waste officer has been consulted and has advised the proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials and demolition waste and as such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed. A construction management plan is required by condition which would include the above requirements as well as management during the overall construction programme. To make sure construction and demolition is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part the city, a condition is included which requires the submission and approval of a construction management plan. Also as per the minerals and waste officer comments the planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The used of materials and waste resources will be directed to contribute positively to addressing climate change. As such and in accordance with emerging policy SP1 of the Minerals and Waste Local Plan a condition has been added to secure the submission of a 'Resource Audit' to set out end of life considerations for the materials used in the proposed development.



Figure 8: Demolition Plan

6.122 As advised above appropriate conditions have been added to manage the demolition and removal of waste from the site, neighbouring amenity as well as to protect wildlife/protected species.

Other matters

Climate Change/renewable/Sustainable energy

6.123 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.

6.124 Chapter 14 of the NPPF is also of relevance with, paragraph 159 stating that development should be planned so that they:

“a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

6.125 Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”

6.126 The application site is located within a sustainable location with access to a range of amenities, transport services as well as being in close proximity to a residential neighbourhood which the proposed use is largely intended to serve and therefore reducing the distance need to travel. As part of the submission the application is supported by a design and access statement (chapter 6 Sustainability & Energy Efficiency) which seeks to demonstrate how the development would achieve both a sustainable design and construction. The proposal includes electric charging points and a condition has been added to ensure electric vehicle charging points will be incorporated as part of the Development. A system of 180.12kWp Photo Voltaic (PV) panels consisting of 468 PV modules are proposed on the roof of the store to generate on site renewable energy for use in the store, in line with Core Strategy Policy SD2.

Advertisements

6.127 Signage related to the proposed store and within the site is not a matter to be considered under this application.

Non material planning considerations

6.128 Whilst concerns raised in regards to negative effect on the value and resale of properties are understood it is a well-established principle these are not material planning considerations. This issue is not material to decision-making and must not be attributed any weight.

S106/Planning obligations

6.129 Paragraph 57 mentions that planning obligations should “only be sought where they meet all of the following tests:

- 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.”

6.130 There is no requirement for the Local Planning Authority to secure planning obligations for this proposal.

Human Rights and Equalities Assessment

6.131 The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it.
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

6.132 This planning application engages certain human rights under the Human Rights Act 1998 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

6.133 The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.

Conclusion

- 6.134 The application seeks full planning permission to erect a retail store and demolish the existing hotel on the site. A large number of comments, both in support of the proposal and in objection, have been reported above. It is considered that the matters raised have been addressed in the report. The proposed development would make efficient use of a previously developed site and is accessible by a choice of means of transport. The proposal would also be contributing to the local economy through the creation of jobs. There is also no conflict with Policy SC1 in regards to the loss of the existing building on the site. The principle of redevelopment of the site for Class E use is considered acceptable, subject to the application of the retail planning policy tests. The applicant has demonstrated that given the out of centre location of the site, there are no sequentially preferable sites, or allocated sites, within the area that are available, suitable and viable. Officers are satisfied that Hereford Centre is vital and viable when assessed against the relevant NPPG indicators. An impact assessment has been carried out in a transparent way, based upon up-to-date data and making robust assumptions. Based on this the impact assessment finds the proposed development is not likely to give rise to a significant adverse impact on Hereford centre or on its vitality and viability.
- 6.135 The proposal is appropriate in terms of its scale and function to its location. It is considered that it is unlikely to lead to any negative impacts to residential amenity and the operation of the local highway. As the report concludes, subject to appropriately worded conditions the proposal is considered acceptable in all other technical aspects including transport/car parking; flood risk and drainage; ecological impact; design and landscaping, ground conditions and noise. As such, the proposal is considered to accord with the development plan and there are no material considerations to indicate that planning permission should not be granted.

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 Time limit for commencement (full permission)

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 Plans

The development shall be carried out strictly in accordance with the approved plans and materials:

- **2768 P4400 Site Location Plan**
- **2768 P4402 Existing Site Plan**
- **2768 P4403 GEA of Existing Building Areas**
- **2768 P4404/H Proposed Site Plan**
- **2768 P4405/F Proposed Surfacing Plan**
- **2768 P4406/G Proposed Tree removal Plan**
- **2768 P4407/F Proposed Boundary treatment plan**
- **2768 P4408/K Proposed Levels Plan**
- **2768 P4409/F Site Plan and Utilities**
- **2768 P4410/F Proposed site Tracking**
- **2768 P4416 Existing buildings to be demolished**

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

- 2768 P1100 Proposed Floor plan
- 2768 P1101 Proposed Roof Plan
- 2768 P2201/A Proposed Elevations
- CA HFD 2022-01 Rev E Hereford Tree Survey and Existing Features
- CA HFD 2022-02 Rev F Hereford Overlay and Tree Protection
- CA HFD 2022-03 Rev D Hereford Landscape Proposals
- CA HFD 2022-04 Rev A Hereford Landscape Sections
- CA HFD 2022-05 Rev B Lidl Hereford Willow and Cherry Close up
- CA HFD 2022-06 Lidl Hereford Car Park Tree Section
- CA Lidl Hereford Planting Methodology and aftercare rev 22 October 2022
- CA Hereford Planting Schedule rev 22 October 2022
- 22-00767/05/G Proposed Highway Works - Right Turn Ghost Island and Active Travel Improvements

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

3 Construction Management Plan

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
- Hours of working
- Location of any welfare buildings and site compounds / storage areas

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.

4 Construction Method Statement (CMS): Noise

Prior to the commencement of the development a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised; Choice of plant and equipment to be used; The use of prefabricated materials wherever possible; Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and good housekeeping and management, to include.

- a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
- c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
- d) Provision of noise monitoring during activities likely to affect sensitive receptors.

Reasons: 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

5 Habitat Regulations (River Wye SAC) Construction Environmental Management Plan

Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including 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 and local habitats 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.

6 Material Resource Audit

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.

Reason: 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 and Emerging Policy SP1: Resource Management of the Minerals and Waste Local Plan.

7 Surface Water

Prior to any development commencing on site full details of a surface water drainage design plans shall be submitted including the submission of construction drawings and associated calculations and the development to be carried out in accordance with the approved details.

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

8 Drainage

Prior to any development commencing submission of trial pit information confirming the route of the 450mm pipe that has been identified which carries flow into the site (referred to as SW1 on the survey) as well as details of how inflow from this pipe will be provided for shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Prior to the first occupation/other stage conditions

9 Materials

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

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

10 Noise Mitigation

Prior to the first use of the food store hereby approved, the proposed noise mitigation in the form of acoustic fencing with a minimum density 10kg/m², as detailed in the noise assessment, shall be erected. The noise mitigation shall be retained for so long as the use hereby authorised remains on site.

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

11 Car Parking

Prior to first use of the food store hereby approved, the parking and manoeuvring facilities shall be completed in accordance with drawing P4404 rev H. Thereafter, these parking facilities shall be retained and maintained for the duration of use and shall not be used for any other purpose.

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

12 Rodent Survey

Prior to the commencement of the development a proposal for the survey and treatment of rodents in the vicinity shall be supplied to the authority for approval in writing.

Reasons: 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

13 Highway Works

Development shall not begin in relation to any of the specified highways works as detailed on dwg 22-00767/05 rev G by Corun), until details of the works have 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. If relocation of the Speed Camera is required consultation should be undertaken with west Mercia Police in conjunction with 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.

14 Travel Plan

Prior to first use of the food store 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 for the first five years from first occupation of the development. 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

15 Cycle Provision

Prior to first use of the food store hereby approved full details of a scheme for the provision of covered and secure cycle parking facilities to serve the food store 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.

16 Waste Storage

Prior to the first use of the food store hereby approved, suitable provision for storage of waste and waste collection areas should be provided in accordance with details that shall have been submitted and approved by the Local Planning Authority that allows or the convenient storage of waste and unrestricted access at all times. Such waste collection areas shall be retained for so long as the use hereby authorised remains on site.

Reason: In the interest of amenity in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

17 Habitat Regulations (River Wye SAC) – Surface Water

With the exception of any site clearance and groundworks, no development shall commence until a fully detailed Sustainable Drainage Systems to manage all surface water shall be supplied for written approval by the Local Planning Authority. The proposed scheme must provide detailed certainty on how all pollutant contaminants from vehicular and other use of the site are fully removed and managed prior to any final discharge of surface water from the site in to the Newton Brook. The approved scheme shall be implemented in full prior to the first use of and hereafter maintained unless otherwise approved in writing by the Local Planning Authority

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

18 Landscape Maintenance

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

Specifications for operations associated with plant establishment, watering plans and maintenance that are compliant with best practise.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

19 Lighting Scheme

Prior to first use of the food store hereby approved any external lighting proposed to illuminate the development including detailed plans, illumination levels and luminaire specifications shall be supplied to the Local Planning Authority for written approval. The approved scheme shall be implemented and hereafter maintained and operated.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Core Strategy policies SD1.

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, SD1 SS6, LD1-3.

20 Planting Methodology

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the details specification within the approved document “CA Lidl Hereford Planting Methodology and aftercare rev 22 October 2022” produced by Corscadden Associates within the next planting season (October to April) but no later than two years from the date of this Consent and thereafter retained.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

21 Arboricultural Works

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

- Arboricultural Method Statement Report rev 22Oct2022 produced by David Rice Forestry

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

22 EV Charging Point

With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the 2 electric vehicle charging points proposed within the food store car park have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: 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 the Climate Emergency declared by Herefordshire Council and to accord with the provisions of the National Planning Policy Framework.

23 Biodiversity Net Gain

With the exception of any site clearance and groundworks, no development shall commence until written detailed scheme and annotated location plan for the proposed biodiversity net gain enhancement features referenced in paragraph 10.10 of the Ecology Survey Report (Just Mammals, October 2022) including provision of ‘fixed’ habitat features such as habitat boxes supporting a range of bird species and pollinator homes have been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and hereafter maintained as approved.

Reason: To ensure that all protected species are considered and habitats enhanced 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 and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

Compliance

24 Public Sewage Network

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 and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

25 Visibility Splays

The 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 and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

26 Use Class

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order, with or without modification), the foodstore hereby permitted shall be used mainly for the sale of food falling within Class E(a) of the aforementioned Order and for no other use and no more than 80% of the net sales area shall be used for the sale of convenience goods and no more than 20% of the net sales area shall be used for the sale of comparison goods.

Reason: In order to protect the vitality and viability of Hereford City centre in accordance with Herefordshire Local Plan – Core Strategy Policy E5, Paragraphs 86 to 91 of the National Planning Policy Framework.

27 Permitted Development rights

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, C, E, of Part 7 of Schedule 2, shall be carried out.

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

28 Site Management Plan: Trolleys

The Site Management Plan set out in Lidl’s letter dated 24 October 2023 shall be implemented in full upon first opening of the store for trading purposes and shall continue to be implemented for the lifetime of the development. As set out in the Site Management Plan, the management regime shall comprise:

- Installation of Gatekeeper trolley system;
- Weekly briefing of relevant staff on the sensitivity of the site and local area to flooding and the importance of spotting and remedying any blockage of Newton Brook and the associated culvert to the local system;

- Twice annual inspection of the piped culvert linking the new and historic channel of Newton Brook and piped outfall to Newton Brook to ensure water is freely flowing. If water is not free flowing, and in any event biennially, undertake CCTV survey of the piped culvert linking the new and historic channel of Newton Brook. If a blockage or obstruction is found, undertake repair / maintenance to remove the blockage as required;
- Daily visual inspection of Newton Brook west of the site both upstream and downstream of the site. If a blockage or obstruction is found, take efforts to remove Lidl shopping trolleys if safe to do so and report to Herefordshire Council if appropriate or necessary.”

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

29 Foul Water

All foul water shall discharge through connection to the existing local ‘Hereford-Eign’ 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.

30 Service Vehicles

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall be restricted to no earlier than 07:00 Monday to Saturday and no later than 22:00. Hours of delivery on Sundays and Bank Holidays shall be restricted to between 10:00 and 16:00.

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

31 Hours of opening

The food store hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays (including Bank Holidays) and 10:00 to 16:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

32 Single Unit

The retail unit (Class E) hereby approved shall trade as single retail unit and shall not be subdivided into separate smaller retail units.

Reason: In order to minimise the impact of the proposed development on the vitality and viability of Hereford City Centre, in accordance with policy E5

33 Display of goods in car park

No goods shall be displayed for sale in the car park or landscaped (hard and soft) areas as shown on the approved plan.

Reason: To manage the retail sales element of the development and protect the visual amenities of the site in accordance with policy

34 Vehicular Access

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

35 Gates/Barriers

Any new access gates or barriers shall be set back 7 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

Informatives

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

2 Welsh Water

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

Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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 requirement

3 Signage

The applicant is advised to take appropriate professional advice in relation to whether advertisement consent is required for any new outdoor signage.

4 Highways Design Guide and Specification

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'

5 Mud on highway

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.

6 Travel Plans

In connection with Condition 14 the applicant is advised that in the case where a Travel Plan currently exists the Condition will require a full review of the Plan and a revised submission to the Council.

7 Annual travel Plan Reviews

In connection with Condition 14, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for

Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

8 Drainage other than via highway system

It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

9 Works adjoining highway

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).

10 Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic

11 Disabled needs

The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.

12 Design of street lighting for Section 278

The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system

13 Brightness of illuminated signs

The brightness of the floodlit surface, or illuminated sign face, shall not exceed the values stipulated in the Institution of Lighting Engineers Technical Report No. 5: 1991 "The Brightness of Illuminated Advertisements".

14 No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

15 Section 278 Agreement

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.

16 Works within the highway

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.

17 Private apparatus within highway

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.

Background Papers – none identified

List of Appendices:

Appendix 1 - Retail Policy advice JW Planning

Appendix 2 - Retail Policy advice Nexus Planning

Appendix 3 - Natural England Comments: Dated 15 June 2022 ref 393376

Useful links:

All the application drawings and other relevant documents are available to view on the Council's website. See weblink to application.

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231703&search-term=231703

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APPLICATION NO: 231703

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JWPlanning

Planning Consultancy Services

Comments by JWPlanning on:

Erection of a Lidl Foodstore at Belmont Road, Hereford - Planning Application P231703

Introduction

This report responds to the Planning and Retail Statement dated May 2023 (PRS) by CarneySweeney (CS) in support of the planning application for the demolition of existing hotel and provision of a new Lidl foodstore at Belmont Road, Hereford, application P231703. The application follows the withdrawal of an earlier application for a similar development, application P221090.

The original P221090 application proposals were for a larger foodstore. However, revised proposals were submitted by CS in November 2022 for a store with a reduced floorspace. This reduced store floorspace was the same as is proposed in this new application. JWP provided a formal response to CS November 2022 proposals in the JWP report dated 16 December 2022.

Because this new application is for a store of the same size on which JWP commented in December 2022, this report reiterates much material from the JWP December 2022 report, as well as some of the material from our Interim Comments of 17 June 2022.

The Application Site

1. The application site is currently occupied by the Three Counties Hotel, which is set in landscaped grounds and parking areas. The application site measures approximately 1.68ha, of which approximately 1.5ha is proposed to be developed for the Lidl foodstore and common elements of the proposal.
2. The site fronts Belmont Road (the A465), and is located within a mixed residential/commercial area of Hereford, approximately 1.8km to the south-west of the City Centre.

The Application Proposal

3. Planning permission is sought for demolition of the existing hotel and erection of a new foodstore (Class E) on the site to be occupied by Lidl. The store is described as having a floorspace of 1,985 sqm (GEA) (excluding canopy) and a sales area of 1,251 sq.m.

Lidl Foodstore Operation

4. Details of the Lidl foodstore operation are provided in Section 4 of the PRS. We accept in general CS's description, but make the following points.
5. CS stresses Lidl's 'discount' format, with limited product ranges enabling competitive pricing compared with the mainstream supermarkets. Paragraph 4.3.4 of the PRS notes the Competition Commission and Grocery Market Investigation references to the distinctive offer of Lidl in 2008. This is some 14 years ago; in our view Lidl has changed its offer significantly since 2008.

6. Lidl's success as a retailer since 2008 is borne out by the growth of its published trading figures over recent years, of which CS will be aware. Traditionally Lidl has focussed on the 'price conscious' shopper. The introduction of some quality products has widened its appeal to the more discerning and more affluent shoppers. Lidl is usually now included (and often performs well) in published surveys comparing supermarket products. Although Lidl continues to have a more limited product range, it can no longer be assumed that it does not compete effectively with the mainstream supermarkets and at the quality end of the market.
7. The PRS paragraph 4.4.1 states:
"The standard core opening hours for Lidl is between 8.00-22.00 on days Monday to Saturday (including Bank Holidays) and 10.00-16.00 on Sunday. This shows that the standard opening hours are limited in comparison to other main convenience retailers, as well as small retailers."
8. We accept that Asda and Tesco are open for longer hours than this, but most convenience and comparison traders in Hereford are not.

Site Planning History

9. We understand that the application site has no planning history of relevance to the current development proposal (other than the earlier withdrawn proposals for a Lidl foodstore – application P221090).

Planning Policy Context

10. Planning guidance and policies of most relevance to the application proposal are contained within:
 - The National Planning Policy Framework, July 2021 (NPPF); and
 - The Herefordshire Local Plan Core Strategy, October 2015 (Core Strategy).
11. The PRS also identifies the Belmont Rural Neighbourhood Plan. Because it does not contain retail policies of relevance to the proposed Lidl foodstore, we do not refer to it here.
12. Planning policy emphasises the importance of maintaining and enhancing the vitality and viability of Hereford City Centre and focussing new retail development within it (Core Strategy Policy E5). The tests in respect of new retail development outside town centres are similar to those in the NPPF.

The National Planning Policy Framework 2021

13. National retail planning policy guidance is set out in the NPPF published in January 2021, the relevant provisions of which we describe below.
Ensuring the Vitality of Town Centres
14. Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities and sets criteria for achieving this.
15. Paragraph 87 requires a sequential assessment for main town centre uses that are not in a centre and not in accordance with an up-to-date development plan (which applies to the application proposal). Paragraph 88 requires that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre; and that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
16. Paragraph 89 specifies impact assessment requirements:
"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:

(a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider catchment retail area (as applicable to the scale and nature of the scheme)."

17. Paragraph 91 requires that:

"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

Herefordshire Core Strategy 2011-2031

18. The Core Strategy was adopted on 16 October 2015. It covers the plan period 2011-2031. It sets out the 'Vision, Objectives, and Spatial Strategy' for the County, as well as 'Place Shaping' policies for Hereford City, the five market towns, and rural areas.

19. A Hereford Area Plan was being progressed. However, in the light of government changes to the planning system, further work on it (and some other plans in the County) have been abandoned, and the focus will be on updating the Core Strategy.

Town Centres / Retail

20. The vision for the County includes a retail hierarchy, within which Hereford is the 'Principal Centre'. It is noted that for some time the County has been losing ground to competing centres such as Gloucester, Cheltenham, and Worcester (paragraph 3.80).

21. 'Place Shaping' Policies for Hereford City are set out in Section 4.2 of the Core Strategy. Policy HD2 Hereford City Centre states:

"..... Proposals for town centre uses outside the defined town centre will be subject to the sequential test and applications for development over 700m2 gross floor space will require an impact assessment to determine whether there could be any adverse impacts on the town centre;"

This policy confirms that an impact assessment is required in this case.

22. Policy E5 of the Core Strategy sets out a policy for town centres, stating:

"Town centres will be the focus for retail, commercial, leisure, cultural and tourism uses. Proposals for such uses which contribute to the vitality and viability of the town centres of Hereford and the market towns will be supported provided that they:

- 1. do not adversely affect the primary function of the town centres as shopping destinations; and*
- 2. are of a scale and design appropriate to the size, role, character, and heritage of the centre*

Proposals for development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test, as set out in paragraph 24 of the NPPF (NPPF Feb 2019 paragraphs 86-88), have been met and that the proposal would not have a significant adverse impact on the vitality and viability of the centres. An application will be refused if it fails the sequential test or an impact assessment.

The sequential test approach requires the above-mentioned uses to be located within town centres. Where it is proven there are no available and suitable town centre sites, preference will be given to edge of centre sites before any out of centre site is considered. Where a sequential test adequately demonstrates that the only suitable and available site is an edge of centre or an out of centre location, preference will be given to sites that are well connected to the town centre and are easily accessible by sustainable transport modes.

An impact assessment for retail, leisure, and commercial proposals outside of the town centres to assess their impact on investment in the area and on the vitality and viability of the town centre may be required depending on the scale and location of the proposal as specified in the policies in the Place Shaping section."

Herefordshire Town Centre and Retail Assessment, Nexus, September 2022

23. The JWP Comments December 2022 reviewed the survey material and findings of the Nexus Herefordshire Town Centre and Retail Assessment, September 2022 (HTCRA). Our key findings of relevance to the application proposal are summarised here. Our comments made in December 2022 are reiterated in Appendix 1 of this report.

Key Findings of Relevance to the Current Application

24. In addition to the overall forecast floorspace requirements for each of the County settlements, the HTCRA provides information on the current turnover performance of stores against benchmark averages. This information is particularly instructive.
25. Paragraph 8.43 the HTCRA notes the strong performance of the Aldi discount stores, but a more variable performance of the large food stores. The survey results also suggest that the Lidl Hereford store (the only one in the County) is strongly overtrading. The overall message in relation to the performance of stores is clear. However, we note and agree with the Nexus statement that *“the performance of discount operators is probably overstated and the performance of the big four operators is probably understated”*. We comment further below on the performance of existing stores in our critique of the PRS findings.
26. Nexus advice in paragraph 8.52 in respect of new foodstore applications states:
“Any additional proposed food supermarkets should be considered on their merits in accordance with relevant policy tests. Most particularly, planning applications which seek to provide additional food retail provision should be considered having regard to potential sequential alternative sites, and with reference to the magnitude of impacts arising at any defined centre.”
27. In para 8.54 Nexus goes on to say:
“However, we note the higher than national average vacancy rate currently identified at Hereford city centre. Wherever possible, efforts should be made to secure the re-occupation of currently vacant units,”

Assessment of Existing Provision

28. CS provides a description of existing retail provision in Hereford City Centre in Section 6 of the PRS. They refer to “a healthy mix of butchers, bakers, newsagents, grocers, delicatessens and health food stores with larger convenience goods retailers including Tesco and Waitrose”.
29. In paragraph 6.4.2 of the PRS, CS provides a table showing the number and % of vacant units in the City Centre in 2021 (112 units 18.5% vacancy rate) and 2023 (104 units 17.3 vacancy rate). Although the number of vacancies has declined over this two-year period, it remains above the national average of 13.8%. CS notes that the highest concentration of vacancies is in the Maylord Shopping Centre in the heart of the City Centre. This situation will be exacerbated if the Wilko store is not reoccupied.
30. CS also notes that Goad identifies the presence of 17 major retailers and 135 multiple retailers in Hereford. We accept that there is a good mix of retailers in Hereford City Centre, including a good range of convenience traders in the central core of the City Centre and on the edge of the Centre (within the Goad Map area).
31. Hereford is an attractive centre, and its historic heritage makes a major contribution to its character. It also has a strong role as the administrative and service centre for the County, as well as being an historic ecclesiastical centre.
32. Despite its attractions, Hereford has experienced the same retail challenges in the ‘High Street’ as have been experienced in other UK centres and which have been well documented. A particular loss for Hereford has been the closure of Debenhams, which has left the City without a department store (the former Chadds Department store having closed some years ago).

33. In summary, we accept that Hereford is an attractive centre, with a reasonable convenience offer. However, it is facing challenges from changes in 'High Street' retailing and is therefore, in common with many other shopping centres, in a vulnerable position.

Sequential Approach

34. Our comments on 'sequential approach' issues remain the same as in our Interim Comments 17 June 2022 on application P221090, but in the interests of completeness are reiterated here.

Methodology and Approach

35. We have noted and raise no issues in respect of the methodology and approach applied by CS, as described in paragraphs 7.1.1 to 7.1.4 of the PRS.

Status of the Application Site

36. The application site is an 'out-of-centre' retail location. We acknowledge the site characteristics identified by CS in Section 2.1 Of the PRS. It is outside, but close to Belmont Neighbourhood Centre and other commercial / community facilities, and has good transport accessibility.

Area of Search

37. We are satisfied that the appropriate area of search for alternative sites is within Hereford City only.

38. In paragraph 7.4.2, CS identifies seven criteria that are necessary to be satisfied, including, a minimum store size of 1,900 sq.m gross. This represents a reduction of 4% only of the proposed floorspace of the store (1,984 sq.m). We question whether such a small reduction in floorspace represents a 'flexible approach' as required by the NPPF. NPPF paragraph 88 states:

"Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."

However, in paragraph 7.4.5 of the PRS, CS acknowledges that in-centre sites often have access to shared parking and servicing, and they have therefore reduced the site area for an in-centre store by 25% to 0.6ha.

39. CS's third criterion is *"A prominent site with the ability to attract passing trade"*. In our opinion this criterion should be applied so as not to automatically rule out town centre locations. This cannot be the intention of policy. Prominence needs to be judged not only in the context of visibility from an arterial road, but also in terms of accessibility and proximity to the principal areas of retail and commercial activity in central areas.

Sites Considered

40. CS has investigated sites in the following locations, all of which lie within the defined Central Shopping and Commercial Area Policy TCR1:

(i) Old Market Shopping Centre;

(ii) Old Market Gateway;

(iii) Other vacant units in the City Centre.

41. We provided advice to the Council in 2021 on the proposed occupation of Unit 3 Salmon Retail Park by a foodstore. Our advice included critical examination of the applicant's sequential approach analysis of alternative sites. The Officers' Report on this application stated:

“Sequential Approach

Officers working with the Council’s retail consultant have identified sites and properties in the City for which further examination was sought from the applicants. The sites / properties are – the Debenhams store in the Old Market Shopping Centre; the former Peacock’s unit in Eign Gate; Old Market Gateway; and the Union Walk Car Park. This has been reviewed and officers are satisfied there are no sequentially preferable sites that are available, suitable and able for the proposed use.”

42. Unit 3 was already in retail use and the proposal was for relaxation of a condition to permit 1,659 sq.m of food floorspace (Iceland). The existing application sequential search is for a larger store floorspace, 1,900 sq.m gross, which makes the search for alternative more centrally located sites / premises more demanding.
43. It appears to us to be necessary therefore to identify only any changes from the position judged by the Council in the context of the Unit 3 application. As with application P221090, we rely on officers’ knowledge on whether there have been any changes of circumstance since our report on Unit 3 that could cause the Council to reach a different view on the existence of sequentially preferable sites.

Retail Impact

44. CS addresses retail impact in Section 8 of the PRS, based on the considerations identified in paragraph 90 of the NPPF.

Impact on Planned Investment

45. Paragraph 90 of the NPPF requires *“the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal”* to be assessed. CS addresses this in paragraphs 8.5.1-5 of the PRS, concluding that:

“there is no evidence to suggest the proposed development will have a likely significant adverse impact on any other existing, committed or planned in-centre investment in the catchment area of the proposal.”

46. The Edgar Street Regeneration Area has been the principal location for public and private investment aimed at enhancing the status of Hereford as a retail and services destination. The principal retail component of the regeneration area has been the Old Market Shopping Centre.
47. Although some parts the Edgar Street area have been developed, the area represents a long-term, complex opportunity that will deliver a mix of uses, including a significant amount of new housing. We are not aware of any specific proposals for this area that are at a sufficiently advanced stage that they could be prejudiced by the application proposal. Officers will have more information than us on any proposals under consideration.

Impact on Centre Vitality and Viability

48. CS’s quantitative assessment of the impact of the proposed Lidl store on vitality and viability of Hereford City Centre was critically examined in our JWP December 2022 report. It was also reviewed by Nexus in a report to the Council dated March 2023.
49. Various points were raised by us and Nexus, which have been addressed by CS in the PRS. These include:
 - updating the assessment to accord with the latest expenditure information in Experian’s Retail Planner Briefing Note 20 (February 2023);
 - reconsidering post-development turnovers of existing destinations against their expected company benchmark averages; and
 - Reconsidering the trade diversions caused by closure of the Iceland store.

50. In the JWP report of December 2022, we provided conclusions based upon our view that amendments to the CS quantitative assessment, arising from our comments and subsequently those of Nexus, would not have a significant effect on the overall quantitative impact findings. We judged that the convenience impact on the City Centre would be less than 3%. The PRS assessment of convenience impact is approximately 2.1%, see below. We comment below on the Tables in the PRS Appendix E.

Updated Retail Impact Tables

51. Table 1 'Population' and Table 2 'Convenience Goods Expenditure' 2023-28 are derived from information in Appendix 5 Tables 1 and 2 of the HTCRA, but have been updated with information from the more recent Experian Note 20, February 2023. Because of the elapse of time, the forecasts have also been rolled forward one year, as compared with the earlier CS analysis (application P221090), to a design year of 2028.
52. We have not addressed specifically Table 3 relating to comparison goods, as comparison goods impact is not an issue with the Council.
53. Table 4 shows that available convenience expenditure in the Hereford City catchment area (Zones 1A and 1B) is forecast to grow by £4.7m. This is significantly lower than in the earlier P221090 analysis, which showed a convenience expenditure growth of £7.3m by 2027.
54. Table 6 contains CS's revised turnover for the proposed store, based upon a smaller floorspace area than the original P221090 proposals. The gross internal area of the store is now 1,895 sq.m containing 1,251 sq.m sales area. The sales area of the original proposal was 1,411 sq.m, i.e. there has been a reduction of the sales area by 160 sq.m. The revised convenience turnover of the store in 2028 is £8.8m including inflow (£7.9m excluding inflow). The convenience turnover forecast for the larger P221090 store was approximately £9.0m.
55. We accept CS's Tables 1-6 for the purpose of assessing the revised application proposal.
56. Table 7 'Trading Effects of the Proposed Development 2027' provides CS's estimates of the impact of the proposed Lidl store. The table is extensive and difficult to interpret. Because of the difficulties in interpreting Table 7, we provide in Appendix 2 Table JW1 our assessment of the disaggregated convenience and comparison impact on the City Centre. This table is wholly based on the figures in Table 7 of the PRS, and shows a solus convenience impact on the City Centre of just over 2% and comparison goods impact of just over 0.4%.
57. We note that Table 7 shows the greatest percentage impact being on City Centre Small Shops -17%. This compares with much lower percentage impacts on the main City Centre supermarkets – Waitrose 1.3%, Tesco Bewell Street 1.7%. These findings are surprising, given CS's stated views that the proposed store will compete most strongly with large foodstores with a similar offer to that proposed in the Lidl store. Were the trade diversions / impact to be skewed in the way shown in Table 7, this level of impact would be concerning for City Centre small shops.
58. The PRS cumulative trade diversion and impact figures shown in Table 7 are the same as the solus impact figures. This appears to be because the loss of Iceland Eign Gate in 2022 (before the PRS base year of 2023) and redistribution of its turnover and impact on the City Centre is not therefore separately identified. We do not consider that methodologically it is appropriate to disguise cumulative impact on the City Centre in this way. The closure of Iceland in 2022 will have had some quantitative impact on City Centre convenience trading, but the CS assessment does not explicitly identify this.
59. In The JWP Report of December 2022, we sought not to make minor adjustments to CS's assumptions within their assessment. Rather we focused on certain key points which we considered to be of most relevance. This continues to be our approach with the material in this new May PRS. We have accepted the input amendments made, predominantly arising from Nexus and JWP comments, unless otherwise stated in this report.

60. We do not accept the statement in paragraph 8.6.30 of the PRS that Tesco Bewell Street sits outside the PSA and is therefore not afforded the policy protection of an 'in-centre' location. In our opinion Tesco is an in-centre store and planning policy therefore requires any trade impact on the store to be considered as a material consideration. We do note, however, that Tesco Bewell Street is included within the 'Centre Total' figures in Table 7 of the PRS.

Impact Context

61. Figures of quantitative impact need to be considered in relation to a variety of factors, in particular the health and vulnerability of the existing centre experiencing the impact, in this case Hereford City Centre.

City Centre Health

62. Convenience representation in the City Centre is described in the HTCRA. The principal convenience retail outlets are – Waitrose, The Old Market; Tesco, Bewell St; Marks and Spencer, High Town; with the Buttermarket and market stalls in High Town / Commercial Street also playing an important role.
63. We have described earlier in this report and in Appendix 1 the Nexus findings on the health of Hereford's City Centre. The overall finding is that the health of the City Centre is "moderate"; this finding mainly being based on the negative impact of vacant units and the need to find uses for their reoccupation.

Performance of Convenience Stores

64. We have noted above that the HTCRA provides information on the current turnover performance of existing stores against benchmark averages. Table JW2 in Appendix 2 of this report provides information on the turnover performance of the principal convenience outlets within the City. This information is taken direct from Appendix 5 Table 5 of the HTCRA, to which we have added in the last column the percentage variation from benchmark average (average equals 100%).
65. The HTCRA indicates that caution should be taken in respect of the household survey derived turnover figures at the individual store level, as the interview responses can be exaggerated in an upward or downward direction. This is our experience also from household surveys elsewhere. However, even allowing for some distortion from the responses, the overall message in Table JW2 is very clear. It shows that the discount stores, Aldi and Lidl, are performing strongly. The performance of the other large food stores is variable, with Tesco Abbotsmead Rd performing well above benchmark, but Morrisons Station Approach and Asda Belmont Rd performing significantly below average.
66. It is particularly noticeable that all of the City Centre stores are shown as performing significantly below average.

Floorspace Capacity

67. We have noted from PRS Appendix E Table 4 that the growth of available convenience expenditure in the Hereford catchment area in the period 2023-2028 is £4.7m. This compares with a convenience turnover requirement for the proposed store from the catchment area of £7.9m (£8.8m including inflow from outside the catchment area), Table 6. This indicates that the proposed store turnover would be significantly in excess of that which can be justified by catchment expenditure growth.
68. A fundamental output of the HTCRA is an assessment of retail floorspace capacity for the County and its settlements throughout the plan-period 2022-2041. Because of the limited growth of per capita convenience expenditure, limited additional convenience floorspace capacity is forecast. The convenience forecasts for Hereford City show that currently there is an excess of floorspace, and that by 2027 floorspace capacity will be in equilibrium, with no expenditure surplus. These forecasts are consistent with the findings on the turnover

performance of existing convenience stores within the City, particularly the poor performance of stores in the City Centre.

Hereford Floorspace Capacity

Year		
2022	-100	-200
2027	0	0

Source HTCRA Appendix 5 Table 6b

Summary Findings

69. It is common ground that the overall quantitative impact of the proposed Lidl store (convenience and comparison combined) would be small. This is because of the scale of retail floorspace (supported by service uses) within the City Centre, compared with the much smaller floorspace and offer of the proposed Lidl store.
70. Our findings in respect of the solus quantitative convenience impact of the Lidl store are that it would be limited. This is because the majority of the convenience turnover of the proposed store would be drawn from the large food stores outside the City Centre. For the purposes of our review, and in the interests of simplicity and clarity, we have adopted the impact figures put forward in the PRS. We do not necessarily accept all of the CS input assumptions, variations of which (for example the Lidl store trade draw) could have some effect on the quantitative impact figures. However, even allowing for margins of error, we are satisfied that the solus convenience quantitative impact arising from the Lidl would be small, less than 3%.
71. CS has in our opinion failed to assess cumulative impact properly. This is the impact of the TFW store, which has led to the closure of Iceland Eign Gate in 2022.
72. NEXUS has found the health of Hereford City Centre to be 'moderate' only, due in large part to the adverse effect of vacancies in the Centre. Also, the City Centre's convenience outlets are shown to be performing below benchmark.
73. The HTCRA convenience floorspace forecasts for Hereford City indicate a current expenditure deficit compared with the quantum of existing floorspace; and that by 2027 there will still be no quantitative requirement for additional convenience floorspace. We accept that demonstration of 'need' is no longer a planning policy requirement. However, an expenditure deficit is a major factor indicating the vulnerability of a centre, or components of its retail offer.
74. The application proposal would introduce £8.8m of new convenience turnover to Hereford City of which £7.9m would be drawn from the Hereford City catchment area (PRS App E Table 6). Available convenience expenditure in the Hereford City catchment area is forecast to grow by £4.7m only in the period 2023-2028 (PRS App E Table 4), i.e. significantly less than the turnover of the proposed store. This indicates that the turnover of the proposed new store must adversely affect existing convenience stores, as there is currently a deficit of expenditure to support existing floorspace.
75. Quantitative impact assessments include a variety of input assumptions that are subject to margins of error. We believe, therefore, that it would be prudent for the Council to allow for some variation in the Lidl impacts assessed by CS, say up to 3% solus convenience impact. We believe that the cumulative impact caused by the recent opening of the TFW store and closure of Iceland Eign Gate has not been properly assessed by CS. However, even taking CS's solus convenience impact of approximately 2% (without allowing for any margins of error), we believe that the effect of the proposed Lidl store coupled with the recent closure of Iceland risks a significant adverse impact on the role and strength of convenience trading in the City Centre.

Appendix 1

Herefordshire Town Centre and Retail Assessment, Nexus, September 2022

This Appendix reiterates our review of survey material and the findings of the Nexus Herefordshire Town Centre and Retail Assessment, September 2022 (HTCRA), which are of most relevant to consideration of the proposed Lidl store.

We refer to the Section headings of the HTCRA, and in the interests of clarity we often quote direct from the HTCRA.

Current and Emerging Trends

1. Paragraph 2.8

“More generally, as a result of relatively modest growth forecasts and the shift to online retailing, Experian forecasts that there will be a reduction in the stock of retail floorspace over the next few years.”

2. Paragraph 2.10

“There will still be the need and demand for physical stores, despite the increase in shopping online. This is particularly the case for convenience goods sales in light of the fact that the online shopping orders are typically picked from the shelves of physical stores. In respect of comparison goods, there is a need for the offer to become more ‘experiential’ in order to encourage shoppers onto the high street,”

3. Paragraph 2.13

“Experian expenditure data and growth forecasts confirm that the pandemic has resulted in fairly turbulent short-term growth in per capita convenience and comparison goods expenditure. The strong level of growth at 2020 is largely attributable to consumers spending more on such goods as a result of lockdown measures.

However, this growth is forecast to unwind over the short to medium term, and Experian forecasts very limited per capita convenience goods growth beyond 2022.

4. Paragraph 2.17

“Experian estimates that special forms of trading will account for well over a third of comparison goods expenditure and almost a quarter of convenience goods expenditure at 2031.”

This compares with just under 21% in 2021.

5. Paragraph 2.21

“Secondly, the current uncertainty in the economy has made discount foodstore operators (namely Aldi and Lidl) a more attractive proposition, and many such stores are thriving given that shoppers are currently having to be ‘money savvy’. Discounters have also made efforts to try to compete more directly with the ‘big four’ supermarket operators, with larger stores, greater ranges of goods, fresh foods and premium products becoming increasingly prevalent. It is clear that the likes of Aldi and Lidl are no longer ‘hard discounters’ in quite the same way they once were, as they are able to meet a wider range of customers’ needs by offering a greater range of premium products.”

This accords with our previous advice to the Council in this case and in the recent Ledbury Appeal.

6. Paragraph 2.22

“.....discount retailers are often happy to trade alongside more upmarket convenience goods retailers (such as M&S Foodhall) as, collectively, the two stores can meet many food shopping needs.”

Planning Policy Context

7. In respect of the Use Classes Order, Nexus advises the following in paragraph 3.20:

“However, as ever, the provisions of the Use Classes Order are not linked to any spatial considerations. As such, the expanded Use Class E applies equally to both town centres and out of centre locations, and there may be unintended consequences in providing for additional flexibility across Class E outside of town centres. Accordingly, it may be necessary for the Council to apply restrictive conditions to certain forms of development in order to restrict the authorised use to that which has been justified in the application submission.”

Market Research: In-St surveys

8. The In-street surveys, undertaken in Hereford City Centre by NEMS in April 2022, obviously provide important information on how the centre is used, which assists consideration of the likely impact of the proposed Lidl store.

9. Para 4.5 indicates that:

“..... one third of respondents (31.3%) stated that the principal reason for their visit was non-food shopping, followed by 14.7% visiting food shops, and 14.0% indicating that they were visiting for work purposes. Less than one in ten (8.7%) indicated that their main reason for being in Hereford was to visit a pub, café, or restaurant.”

There are some HTCRA typographical errors in this paragraph, which we have corrected here.

10. Para 4.14 indicates that survey respondents found:

“The most frequently identified attribute of the centre is its general appearance or character of the centre (identified by 37.3% of respondents), followed by the range of shops or markets (32.0%).”

11. Paragraph 4.20 states:

“It is evident from the above that some respondents want to see more variety in respect of the retail offer. In this regard, 24.0% of respondents want to see more or new independents, 23.3% want more or new national multiple retailers, and 12.7% want different types of markets.”

Health Check Assessments

12. A detailed Health Check for Hereford City centre (and the market towns) is provided in Appendix 4 of the HTCRA.

13. Table 5.1 of the main report shows the percentage change in unit composition over the period 2012-2022. Convenience representation has risen from 5.8% to 8.3%, but there has been a large percentage decrease in both comparison and leisure representation. Comparison units have dropped significantly from 44.7% to 28.3%, and leisure units from 34.8% to 22.8%. Vacant units have risen from 12.6% to 17.5%.

14. Nexus says in paragraph 5.10:

“the proliferation of vacancies is a concern, both in respect of its impact on the visual appearance of the centre and with regard to the need to re-let properties in order to drive additional footfall and improve the overall vibrancy and vitality of the town centre.”

15. In paragraph 5.11 Nexus notes the positive effect for the vibrancy of the City Centre of the proposed reoccupation of the upper floors of the former Debenhams unit by M&M direct, and relocation of the Library to the Maylord Orchards Shopping Centre.

16. Nexus states in paragraph 5.12 that they find Hereford City's vitality and viability currently to be 'moderate'.

Assessment of Retail Capacity

17. Nexus's assessment of retail capacity within the County and its centres is based upon a similar methodology to the Drivers Jonas Deloitte 2012 Study, using a step- by-step approach.

Study Area Population and Expenditure

18. The Study Area containing seven postcode-based zones is consistent with that used in the Drivers Jonas Deloitte 2012 Study.
19. The population within each zone at 2022 has been calculated using Experian Micromarketer G3 data published in February 2022. Population forecasts for each zone in the Study Area are provided for 2022, 2026, 2027, 2031, 2036 and 2041.
20. The Hereford City catchment population (Zones 1a and 1b) is forecast to rise from 111,931 in 2022 to 115,779 in 2027, an increase of 3,848 over the 5-year period.
21. For convenience goods, Experian forecasts very limited per capita expenditure growth across the entire forecast period to 2041. Having allowed also for future growth in special forms of trading, the Experian forecasts indicate that the growth in convenience goods expenditure available to actual stores will not exceed 0.1% per annum throughout the forecast period. Convenience goods expenditure for the Hereford City catchment area is forecast to increase by £7.3m in the period 2022 to 2027.

Household Survey.

22. Nexus has undertaken new household interview surveys (April 2022), the format of which are consistent with the earlier 2012 Drivers Jonas Deloitte Surveys. The household interview surveys identify current shopping patterns, and are obviously a fundamental input to the quantitative assessment of expenditure capacity for the County, Hereford City, and the market towns. They show that Hereford City's market share of convenience expenditure from its home zone has risen from 83% in 2012 to 90% in 2022. Conversely, the City's market share of comparison expenditure has fallen from 45% in 2012 to 34% in 2022.

Floorspace Capacity

23. The key elements determining floorspace capacity in the County and its settlements are - population and expenditure growth, the attraction of available Study Area expenditure to centres, and the resulting turnover performance of existing stores compared with national benchmark averages. These factors enable expenditure surpluses to be identified, which in turn can be translated into floorspace requirements.
24. Table 8.3 of the HTCRA shows the floorspace capacity over the forecast period for each of the Herefordshire settlements, providing 'minimum' and 'maximum' sq.m requirements. For Hereford City no current convenience floorspace requirement is identified. The figures actually show an expenditure deficit of between -100 sq.m and -200 sq.m in 2022; and nil expenditure surplus in 2027.

Appendix 2

Table JW1 Trading Effects of the Proposed Development 2028

Table JW2 Hereford City Centre Turnovers 2022

Table JW1 Trading Effects of the Proposed Development 2028

	2023 Con Turnover inc Inflow £m	2028 Comp Turnover inc Inflow £m	2028 Lidl Trade Draw %	2028 Lidl Trade Draw £m	2028 Residual Turnover £m	2022-2028 Change £m	2022-2027 Change %	2028 Impact £m	2028 Impact %
Conv Centre Total	28.2	28.7	7.7	0.6	28.1	-0.1	-0.35%	-0.6	2.09%
Comp Centre Total	185.4	210.9	66.7	0.9	210	24.6	13.27%	-0.9	0.43%
Centre Total	214	240.3		1.5	238.8	24.8	11.59%	-1.5	0.62%

Source PRS Appendix E Table 7

Table JW2 Hereford City Convenience Turnovers 2022

Store	Conv Sales Area sq.m	Sales Density £ per sq.m	Benchmark Turnover £m	Survey Turnover inc Inflow £m	Variation from Benchmark £m	Variation from Benchmark %
City Centre						
M&S High Town	992	11092	11	6.4	-4.6	58%
Tesco Bewell Street	2612	14072	36.8	12.2	-23.3	33%
Waitrose Old Market	1153	14737	17	7.1	-9.9	42%
<i>Iceland Eign Gate</i>	<i>381</i>	<i>7446</i>	<i>2.8</i>	<i>0.3</i>	<i>-2.5</i>	<i>11%</i>
Out-of-Centre						
Aldi, Eign Street	870	11017	9.6	34.5	24.9	359%
Asda Belmont Road	3036	14245	43.2	23.2	-20	54%
B&M, Belmont Road	492	3535	1.7	0.4	-1.3	24%
Co-op Grandstand Road	1102	10988	12.1	12.4	1.7	102%
Lidl Brook Retail Park	883	8739	7.7	16.8	10.9	218%
Morrisons Station Approach	2419	12940	31.3	23.6	-7.7	75%
Sainsburys Barton Yard	2840	12479	35.4	36	4.5	102%
Tesco Abbotsmead Road	2333	14072	32.8	48.7	21.2	148%

Source

HTCRA 2022, Appendix 5, Table 5

Proposed Discount Foodstore, Three Counties Hotel, Hereford - Application Reference P231703/F

Retail Policy Appraisal Addendum

Introduction

1. This Addendum is prepared in respect of the above planning application. Nexus was originally instructed in March 2023 to provide advice in respect of the application, which seeks permission for the erection of a Class E foodstore at the former Three Counties Hotel site in Hereford.
2. Nexus' March 2023 Appraisal focuses solely on the proposal's compliance against the retail policy test relating to the potential impact of the proposal. Our Appraisal concluded the following:
 - a. With regard to the first part of the NPPF impact test, we do not believe that the grant of planning permission for the proposed foodstore would lead to an adverse impact in respect of any existing, committed and planned public and private sector investment.
 - b. In terms of the second part of the test (relating to the vitality and viability of town centres), our review of the submitted retail impact assessment has highlighted some elements which we consider should be updated and reflected in any formal submission of the planning application.
3. In respect of the latter, our Appraisal requested specifically that CarneySweeney updated their assessment to take account of the latest assumptions and projections from Experian's Retail Planner Briefing Note 20 (February 2023) and that further consideration is given to the post-development turnovers of existing destinations, compared to their expected company benchmark averages. Upon receipt of the additional analysis, we confirmed that a consideration of the proposal's compliance against the second part of the impact test would be provided.
4. CarneySweeney have subsequently submitted an updated Planning and Retail Statement (P&R Statement) dated May 2023, which supports a full planning application for the proposed foodstore. The P&R Statement also provides commentary on both Nexus' and the Council's other independent retail planning advisor JWPlanning's appraisals, produced in respect of the original hybrid planning application.
5. As such, the purpose of this Addendum is to provide additional advice in respect of the applicant's submission, focusing solely on the elements of the assessment that Nexus sought further consideration of.
6. At the outset, it is worth noting that we previously stated at paragraph 3.35 of our March 2023 Appraisal, that Tesco is situated in an 'edge-of-centre' location in planning policy terms. Having revisited the Councils' currently adopted development plan, we note that the Tesco store is in fact situated in an 'in-centre' location being within the defined Central Shopping and Commercial Area and forming part of the designate Primary Shopping Frontage.

The Impact of the Proposal on Town Centre Vitality and Viability

7. Firstly, in respect of the methodology adopted in order to assess the potential impact of the proposal, we note that CarneySweeney has now adopted the growth rates and level of spending online from Experian's latest Retail Planner Briefing Note, which we welcome. In this regard, the per capita convenience and comparison expenditure at Tables 2 and 3 of Appendix E excludes Special Forms of Trading in line with Figure 7 of the Briefing Note, and projects the spending forward using the growth rates from Appendix 3 of the Briefing Note.
8. We also note that in calculating the estimated turnover of the proposed foodstore, CarneySweeney have now also used the expected floorspace efficiency rates taken from Figures 4a and 4b of the Briefing Note.

9. Thirdly, CarneySweeney has sought to redistribute the turnover from the now closed Iceland in Hereford city centre, and they state at paragraph 8.6.19 that:

‘This was considered to be “slightly overstated” by Nexus, and so the proportion of trade redistributed to the city centre destinations has been lowered with Table 7 in Appendix E now assuming 50% of the turnover of the Iceland will be diverted to TFW, 25% to Tesco on Bewell Street and 25% to Farmfoods on Belmont Road.’

10. Again, we welcome the adjustment made by CarneySweeney to take account of our previous concerns raised. We consider this to be more reflective of how the turnover will be distributed.
11. The updated P&R Statement provides an amended impact assessment at Appendix E to take account of the above. We have not sought to revisit the elements previously considered to be acceptable. As such, the key consideration in this regard are the assumed trade diversions from existing stores to the proposed store, and the wider implications of this diversion on defined centres.
12. As set out in our original Appraisal, we do not consider that the proposed comparison floorspace is likely to have any material impact on existing destinations in light of its low turnover and nature of the goods which will be sold from the proposed store. In this regard, it is likely that the proposed comparison floorspace will divert trade from other out-of-centre foodstores and other existing large format operators. Given this, our assessment below focuses on the consideration of the potential impact of the convenience floorspace only.
13. In this regard, Table 7 of Appendix E provides the applicant’s assumed trade diversion (presented as trade draw in the table). CarneySweeney assume that the highest proportion of trade will be diverted from the Tesco Superstore on Belmont Road, from which 30% of the proposal’s turnover is expected to be diverted. This is followed by the Asda on Belmont Road (15%) and then the Aldi, Lidl and Morrisons (10% respectively). We agree that the highest proportion of trade is likely to be diverted from the Tesco store, in light of its proximity to the proposed store and based on existing shopping patterns. We also consider that a high proportion of trade will be diverted from the other existing out-of-centre stores.
14. Turning to the proportion expected to be diverted from Hereford city centre, we note that CarneySweeney estimate that a total of 7.7% of the proposal’s turnover will be diverted from existing operators in the centre. Of this, the highest proportion or 2.7% is estimated to be diverted from the Tesco on Bewell Street, followed by 2.0% from other ‘local shops’ and 1.5% from the M&S and Waitrose stores respectively.
15. Again, we consider the levels of trade diversion to be reflective of how we consider the store to trade in practice.
16. Overall, CarneySweeney calculate that a total of £0.6m will be diverted from city centre destinations, which results in an impact on convenience goods turnover of -2.1%. We consider this to be a realistic assumption, again having regard to existing shopping patterns and the spatial distribution of stores in proximity to the application site.
17. We have previously provided an analysis of the overarching health of Hereford city centre, using the findings from the Hereford Centre and Retail Assessment 2022, and our own knowledge of the centre. We note that CarneySweeney has also provided an additional consideration of the health of the centre as part of their May 2023 P&R Statement. Overall, we agree with CarneySweeney that although the Iceland has closed in the centre, and the vacancy rate is above the national average, the centre is performing its role and can be considered to be vital and viable overall.
18. Given the above, we are of the view that the trade diversion assumptions set out above are unlikely to result in an impact which could be considered to be significant on Hereford city centre. This conclusion has been reached having regard to the existing health of the centre, the nature of the proposal, the existing established shopping patterns and the location of the application site.
19. As such, we are now satisfied that the application also complies with the second part of the impact test and therefore complies with paragraph 91 of the NPPF and Policy E5 of the adopted local plan.

Date: 15 June 2022
Our ref: 393376
Your ref: 221090



Planning
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Ms. Carlisle,

Planning consultation: Hybrid application for demolition of existing hotel & associated structures & erection of Class E foodstore with associated access etc.

Location: Three Counties Hotel, Belmont Road, Hereford HR2 7BP

Thank you for your consultation on the above.

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 further advice on designated sites and 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 as the [River Wye Site of Scientific Interest \(SSSI\)](#). 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 have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European sites – River Wye Special Area of Conservation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). 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 planning permission given.

River Wye Site of Special Scientific Interest

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.

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

Should the proposal change, please consult us again.

Yours sincerely

Rebecca Underdown
Planning for a Better Environment Team

¹ Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Annex A

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)² to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)³. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 March 2024
TITLE OF REPORT:	233225 - THE ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS AT 182 LEDBURY ROAD, HEREFORD, HR1 1RH For: Mr & Mrs Williams per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233225&search-term=233225
Reason Application submitted to Committee – Redirection	

Date Received: 31 October 2023

Ward: Eign Hill

Grid Ref: 352459,240044

Expiry Date: 26 December 2023

Local Members: Cllr Elizabeth Foxton

1. Site Description and Proposal

- 1.1 The application site relates to a garden which forms part of the curtilage for 182 Ledbury Road Hereford. 182 is a semi-detached red brick and rendered property set behind a service road, close to the intersection between Ledbury Road and Quarry road, with the garden abutting Quarry Road. The site has an area of 335 square metres and rises from the front (West) to the back (East) mirroring the gradient of Quarry Road.
- 1.2 The proposal is for the erection of two detached dwellings and associated works within the garden space of the host dwelling. The proposed dwelling alongside 182 Ledbury Road would be a two storey 3 bed dwelling whilst the proposed dwelling to the rear would be a 2 bedroom bungalow. An extract of the Location And Block Plan are inserted below.



Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

2. Policies

2.1 Herefordshire Local Plan - Core Strategy (CS)

SS1 - Presumption in Favour of Sustainable Development
SS2 - Delivering New Homes
SS3 - Releasing Land for Residential Development
SS4 - Movement and Transportation
SS6 - Environmental quality and local distinctiveness
HD1 – Hereford
MT1 - Traffic Management Highway Safety & Active Travel
LD1 - Landscape and Townscape
LD2 - Biodiversity and Geodiversity
SD1 - Sustainable Design and Energy Efficiency
SD3 - Sustainable Water Management and Water Resources
SD4 - Wastewater 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

2.2 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision Making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places
Chapter 15 – Conserving and enhancing the natural environment

2.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – 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 191097/F – Proposed erection of 3 no 2 bedroom dwelling with parking – Refused 20 September 2019

Link to application:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191097&search-term=191097

3.2 194390/F – The erection of two dwellings – Refused 2nd October 2020 – Dismissed at appeal 13 July 2021

Link to application:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194390&search-term=194390

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

The proposed development site is crossed by 150mm public foul sewers and a 150mm public surface water sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to divert these assets under Section 185 of the Water Industry Act 1991. We have reviewed the information submitted as part of this application with particular focus on drawing number 1415-10 which shows the proposed drainage arrangement which indicates the proposal will be within the stated protection zones of the public sewer. This proposal offers no technical assessment and scheme to address the public sewers crossing the site and recommend that the applicant contacts us direct to discuss this matter further. We note that the intention is to discharge surface water to soakaway and whilst we welcome the introduction of sustainable drainage the position of the proposed soakaway would be located on top of a public sewer to which we cannot support or permit.

We recommend that the position of this soakaway and proposed dwellings be revised to account for a 3 metre protection zone either side the centre line of the public sewers.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

SEWERAGE

We can also advise that Eign WwTW has a phosphate permit this matter will need to be considered further by the local planning authority, notwithstanding this we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Conditions

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

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

Advisory Notes

The proposed development site is crossed by two public sewers with their approximate positions being marked on the attached Statutory Public Sewer Record. The positions shall be accurately

located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of each public sewer.

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

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

Internal Council Consultations

4.2 **Area Engineer Team Leader**

The proposals are for the erection of two new residential dwellings on land off of Ledbury Road.

The existing property in which the two proposed dwellings are to be constructed within the side garden presently has no off-street car parking. This property in the locality is one that does not have off-street parking compared to neighbouring properties.

The site for the two proposed dwellings would front onto Quarry Road opposite an existing parade of shops which benefit from a layby for parking and overspill parking occurs on-street directly adjacent to the site.

The proposals are for a three bed and two bed dwelling with a driveway for one car associated with only one of the properties. The other proposed dwelling, if future occupiers owned a vehicle, would mean vehicles would have to park on the highway. Proposed development should be able to accommodate vehicles within the site. Parking should meet HC design guide.

Due to their location, in close proximity to the City Centre and employment opportunities it is essential for the sustainability of the site to provide cycle parking in accordance with standards set out in the 2006 Herefordshire Highways Design Guide.

The site needs to provide as visibility splay of 2m x 2m pedestrian vision splays.

4.3 **Ecology – No Objection with conditions**

Notes in respect of Habitat Regulation Assessment (River Wye SAC)

I have carried out a Habitats Regulations Assessment and have provided it separately to the planning case officer

Habitat Regulation Assessment:

<https://myaccount.herefordshire.gov.uk/documents?id=8fb2d34b-d57a-11ee-907b-005056ab11cd>

Notes in respect of ecology

As identified in the NPPF, NERC Act and Core Strategy LD2 and as part of the council's Climate Change and Ecological Emergency actions, all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. These

enhancements are in addition to any mitigation or compensation required by other constraints such as protected species licences.'

Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control a minimum a total of THREE bat roosting features (such as bat boxes or bricks) and FOUR bird nesting boxes (mixed types) and ONE hedgehog home and hedgehog highways through all impermeable boundary features to and acknowledged by the local authority 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 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 Hereford City Council

Hereford City Council Planning Committee objects to planning application 233225. Cllrs do not agree with the loss of green infrastructure and feel the erection of two houses on this difficult site is overdevelopment. The site is only suitable for one dwelling

5.2 Third Party Representations

10 letters of objection and 1 general comment have received, these have been summarised below:

- Impact on on-street parking
- Increased pollution from traffic
- Dangerous junction of road
- Reduced parking for local businesses
- Loss of local wildlife
- Overcrowded proposed plan
- Impact on pedestrians
- Concerns the bungalow could become a two storey later in time

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233225&search-term=233225

6. Officer's Appraisal

Policy context and Principle of Development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (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.

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.

6.6 Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

6.7 Strategic policy SS2 of the Core Strategy confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.

- 6.8 The application site is considered to be located in a spatially sustainable location; it is within the bounds of Hereford city, with the site benefiting from good footpaths linking to nearby services and facilities such as convenience stores and schools as such there is no objection to the principle of development. The design, layout and access arrangement for the development is paramount to the acceptability of any development on this site.

Design and Character

- 6.9 In regards to the design of proposed developments, the local planning authority (LPA) has a statutory duty to have regard to the desirability of achieving good design. When considering the design and landscape impact of a proposed development, CS policy SD1 is significant as it requires that development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, 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. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.10 Specifically regarding landscape and townscape matters, CS policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. In wider terms, policy SS6 sets out that development proposals should conserve and the enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 6.11 The NPPF is a key material consideration for the proposal , it includes a chapter focused on achieving well-designed places, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. Additionally the NPPF sets out that decisions should protect and enhance public rights of way, including taking opportunities to provide better facilities for users.
- 6.12 The character of the area is primarily, although not exclusively, one of semi-detached dwellings set within a modest garden curtilage with a front garden with most including a drive way to the fore and a typical suburban garden to the rear. The dwellings are typically of dual pitch roof or hipped roof design with red brick, render tiles and uPVC windows being the most common building materials. This notwithstanding the area does exhibit examples of detached properties such that it is not considered that this scheme, which proposes detached dwellings, would represent a form of development that is out of keeping with the locality. It is relevant to advise that the current proposal has been informed by the findings of the Inspector in the dismissed appeal. In that case, whilst they found there to be harm in relation to the close relationship of the

proposed dwellings to the Quarry Road frontage in that scheme, there was no objection in principle to detached dwellings or indeed to the use of the rear garden for some form of development. They concluded that *taking into account the size of the garden spaces afforded to them and the size of the garden retained by No 182, it does not strike me that the buildings would appear cramped*. The proposal here is for two detached dwellings which has reduced the scale of development in the rear garden to a bungalow which now aligns with the building line formed by 144 Quarry Road immediately to the east of the site. The two storey dwelling would sit alongside 182 Ledbury Road and appear as a natural addition to the properties fronting onto the service road. The gabled design being intended to reflect that of the projecting gables evident in the other semi-detached properties in this row. Having taken into account the previous history on site, and in particular the findings of the Inspector, it is considered that this proposal has successfully addressed the concerns relating to the proximity of 2 storey development to the Quarry Road frontage and achieved a layout which better respects this settled suburban location.

- 6.13 Further to the above background information, it is considered that given its small scale the bungalow will not result in a visually dominant feature on site and neither would it appear cramped by comparison the the scheme that was considered in the previous appeal.
- 6.14 The proposed 3 bedroomed two storey dwelling will follow the linear form of existing dwellings on Ledbury Road it will have a similar scale, height and design to 182 Ledbury Road. The dwelling will have a projecting gable to the principal elevation, with the walls red brick at ground floor level and render at first floor with a tiled roof. The dwelling will continue the open garden area to the front matching other dwellings on Ledbury Road and is therefore considered to create a sense of general uniformity and openness contributing positively to the areas characer.

Residential Amenity

- 6.15 CS policy SD1 confirms that all development proposals should safeguard residential amenity for existing and proposed residents. This is in line with the revised NPPF which sets out at that decisions should ensure that development creates places that promote health and well-being with a high standard of amenity for existing and future users.
- 6.16 The site history is again a material consideration which must be given due weight. Officer`s consider that the Inspectors dismissal of the previous scheme for 2 dwellings in the rear garden was focussed primarily upon the impact of that development upon the living conditions of the occupiers of 182 and 184 Ledbury Road, with particular regard to the effect on outlook. This revised proposal has taken these relationships into aaccount. The scheme now comprises a modestly proportioned bungalow in the rear garden which significantly reduces the impact on the outlook from the rear of 182 Ledbury Road and the neighbouring properties and is therefore considered to satisfactorily preseve the living conditions of existing occupiers. The two storey dwelling will follow the built form that currently exists and whilst there will be some impact upon the ground floor windows and doors in the side elevation of 182 Ledbury Road, this is the full extent of its impact on residential amenity and is not a matter that would warrant refusal in your Officer`s opinion.
- 6.17 Finally with regard to the amenity of existing and future occupiers, whilst the gardens associated with 182 Ledbury Road and the proposed dwellings will be modest by comparison to other, each property will retain sufficient amenity space to function accetpably in this regard. Furthermore occupiers will have ready access to the recreational open space available locally

Highways

6.18 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 states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the proposed development. It states that developments must be designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space. It also states that developments should have regard to both the Council's Highways Development Design Guide and cycle and vehicle parking standards.

6.19 It is noted that a number of representations received focus on the issues of parking and highway safety. However given the context of this site it is not considered that these amount to sustainable grounds for refusal. Below is an extract from the Inspectors decision for a scheme of 2 semi-detached properties in the rear garden of 182 Ledbury Road:

I note as part of my site visit that the area in front of the proposed dwellings was used for parking for users of the nearby businesses. I also noted an area of on street parking in front of the businesses. I could not see any parking restrictions in the area, and whilst the proposal would result in the loss of some on-street parking, this would be minimal, and sufficient parking appeared to be available in the surrounding area. The road is straight with good visibility enabling any future users to adequately see vehicles or pedestrians.

6.20 The proposed bungalow will provide one parking space which is considered appropriate for a dwelling of its size. The proposed two storey dwelling does not provide any off road parking, however neither does 182 Ledbury Road and given the lack of on-street parking restrictions locally and the sites sustainable location with amenities within walking distance, off road parking space is not considered essential here.

6.21 Having regard to the above and the conditional support of the Area Engineer Team Leader, the highway impact is not considered to be severe and so as directed at paragraph 115 it should not form a reason for refusal in this instance.

Ecology

6.22 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

6.23 From available information, the LPA has no reason to consider that in this specific application there is any identified effects on local protected species populations. The Council's Ecologist has confirmed conditional support for the scheme based upon a biodiversity enhancement condition.

Drainage and Habitat Regulations

6.24 The site lies within the hydrological catchment of the River Wye Special Area of Conservation (SAC) and therefore triggers the requirement for a Habitat Regulations Assessment (HRA). The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as a report. This concludes that there are no likely significant effects and therefore no appropriate assessment is required and planning permission can be legally granted.

6.25 Welsh Water have confirmed that there is capacity within the network to take the domestic foul flows from the site. Additionally, it has been confirmed that surface water drainage is via a SuDS

soakaway system within each plot. It has also been confirmed that no operational development is to take place within 3 metres of the centreline of the sewer. A pre commencement condition is recommended for a drainage scheme to be submitted to and approved in writing by the Local Planning Authority to ensure that no harm to the existing network occurs.

Conclusion

- 6.26 It is considered that this scheme has addressed previous refusal reasons relating to the neighbouring amenity and character of the area. Both dwellings respond to local character and with the reduced scheme namely the reduction in height of the rear dwelling, it is not considered to cause any adverse impact on neighbouring amenity. The proposal will bring the provision of housing within a sustainable location and provides a smaller 2 bedroom unit of which is an identified need. The scheme is therefore considered to accord with the policies within the Herefordshire Core Strategy and is recommended for approval subject to the conditions stated 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:

1. Time limit for commencement (full permission)

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

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

2. Development in accordance with approved plans and materials

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

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

3. To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control a minimum a total of THREE bat roosting features (such as bat boxes or bricks) and FOUR bird nesting boxes (mixed types) and ONE hedgehog home and hedgehog highways through all impermeable boundary features to and acknowledged by the local authority 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 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.

4. Removal of permitted development rights

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

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

5. Efficient use of water

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

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

6. Secure covered cycle parking provision

Prior to the first 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 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.

INFORMATIVES:

- 1. Application approved without amendment**
- 2. Wildlife protecting informative**

The Authority would advise the applicant that they have a legal duty of care as regards wildlife protection under the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” including Badgers, Great Crested Newts, Bats, Otters, and Dormice. All nesting birds are legally protected from

disturbance at any time of the year and care should be taken to 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.

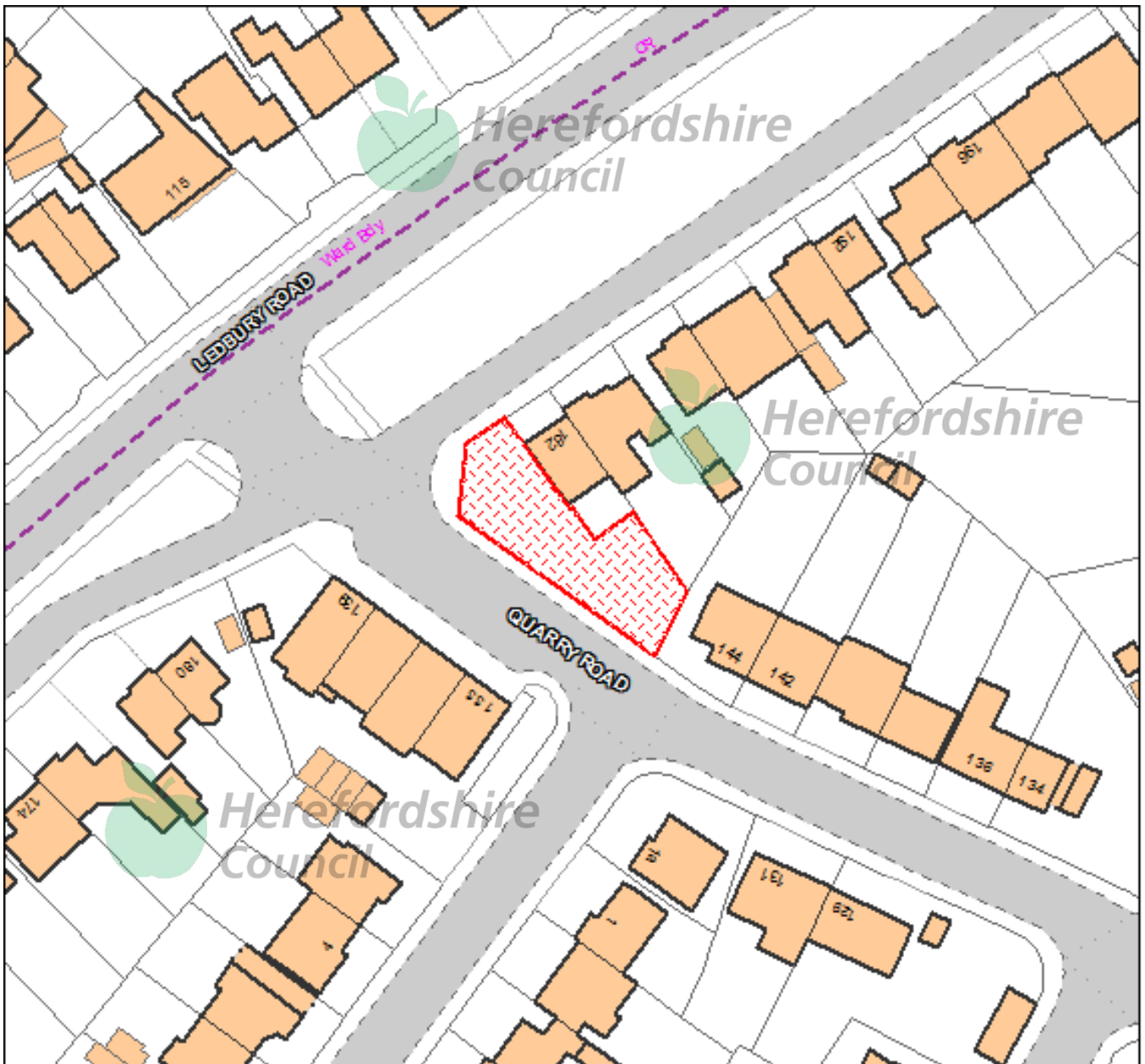
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 233225

SITE ADDRESS : 182 LEDBURY ROAD, HEREFORD, HR1 1RH

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th MARCH 2024
TITLE OF REPORT:	240148 - PROPOSED REPLACEMENT OF EXISTING REAR CONSERVATORY AND TERRACE WITH A LARGER SINGLE STOREY EXTENSION AND TERRACE. AT THE PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HR2 8HJ For: Mr Fisk per Mr V Fisk, The Pilgrim Hotel, Much Birch, Hereford, Herefordshire HR2 8HJ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240148&search-term=240148
Reason Application submitted to Committee – Staff Relation application	

Date Received: 17 January 2024

Ward: Birch

Grid Ref: 350005,230835

Expiry Date: 18 March 2024

Local Members: Cllr Toni Fagan

1. Site Description and Proposal

- 1.1 The application site relates to The Pilgrim Hotel which is located immediately south of the A49 within the village of Much Birch. The site is understood to have been converted to a hotel in the 1970's and has been used for that purpose consistently since. There is a large car park to the front with grounds to the rear.
- 1.2 The proposal is for the removal of the existing rear conservatory and its replacement with a larger single storey extension and terrace.



Proposed Block Plan

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011-2031 (CS)

SS1	-	Presumption in favour of sustainable development
SS5	-	Employment provision
RA3	-	Herefordshire's countryside
RA6	-	Rural economy
SC1	-	Social and community facilities
MT1	-	Traffic Management, highway safety and promoting active travel
E1	-	Employment provision
E2	-	Redevelopment of existing employment land and buildings
E4	-	Tourism
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
SD1	-	Sustainable Design and energy efficiency

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:-

2.2 Much Birch Neighbourhood Development Plan (MBNDP)

The Much Birch Neighbourhood Development Plan was made on 7 June 2021. It now forms part of the Development Plan for Herefordshire.

- MB1 – Promoting Sustainable Development
- MB2 – Conserving the landscape and the Natural Environment
- MB10 – Housing design and appearance
- MB13 – Protecting and enhancement of community facilities
- MB15 – Rural enterprises, diversification and tourism

2.3 National Planning Policy Framework (NPPF)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places

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

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

2.5 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. 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 **DS054010/F:** Single storey restaurant extension to rear of existing hotel. Approved with conditions.

DS061885/F: Conversion of roof space to managers flat. Approved with conditions.

DS063537/F: Erection of 8.no single storey hotel accommodation suites. Withdrawn.

DS080338/F: Erection of 4.no single storey hotel accommodation suites. Approved with conditions.

4. Consultation Summary

4.1 Statutory Consultations

4.2 **National Highways**

Referring to the consultation on a planning application dated 26th January 2024 referenced above, in the vicinity of the A49 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we: a) offer no objection

4.3 Internal Council Consultations

4.4 **Area Engineer Team Leader**

The proposed development is at the rear of the site and appears to have plentiful parking. Therefore, the proposal is unlikely to have a material impact on the surrounding highway. As such, the Local Highway Authority has no objections to this application.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.5 **Principal Natural Environment Officer (Ecology)**

As agreed with Natural England where 'Full Householder' or other similar applications do not create any additional, potentially self-contained residential accommodation, new holiday accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

From information supplied and available to the LPA this 'exemption' would be applicable in respect of this current application and the Rive Wye SAC as no new units of residential/overnight accommodation are proposed and any additional foul water flows due to increased use of facilities are considered to be within the existing commercial operations of the existing hotel

Other ecology comments

From supplied and available information the LPA has sufficient information to consider that the development will not have a detrimental effect on the local population of protected species (eg bats) subject to condition to ensure no disturbance on local populations due to additional lighting

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

is included on any permission granted. An informative to remind the applicant of their and their contractors' obligations to wildlife protection during demolition and construction is suggested.

4.6 **Environmental Health Officer (Noise/Nuisance)**

Comments are made from a nuisance perspective. No objections

4.7 **Environmental Health Officer (Contaminated Land)**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only. I've no comments to make

5. **Representations**

5.1 **Much Birch Parish Council** - Much Birch Parish Council are in support of the proposed conservatory replacement at the Pilgrim Hotel as detailed in the application

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240148&search-term=240148

6. **Officer's Appraisal**

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Much Birch Neighbourhood Area, which published a made Neighbourhood Development Plan (MBNDP) on 7 June 2021.
- 6.3 Policy SS5 of the Herefordshire Core Strategy (CS) states that the continuing development of the more traditional employment sectors such as farming and food and drink manufacturing will be supported. The diversification of the business base, through the development of knowledge intensive industries, environmental technologies and creative industries as well as business hubs, live-work schemes and the adaptive design of residential development, will be facilitated where they do not have an adverse impact on the community or local environment.
- 6.4 CS Policy RA6 states that employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:
- 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 in rural areas, such as village shops, petrol filling stations, garden centres and public houses;
 - involve the small scale extension of existing businesses;
 - promote sustainable tourism proposals of an appropriate scale in accordance with Policy E4 - Tourism;

- promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced;
- support the retention of existing military sites;
- support the retention and/ or diversification of existing agricultural businesses;

- 6.5 CS Policy E4 states that Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. In particular, the tourist industry will be supported by a number of measures including, the development of sustainable tourism opportunities, capitalising on assets such as the county's landscape, rivers, other waterways and attractive rural settlements, where there is no detrimental impact on the county's varied natural and heritage assets or on the overall character and quality of the environment. Particular regard will be had to conserving the landscape and scenic beauty in the Areas of Outstanding Natural Beauty. Also where they retain and enhance existing, and encouraging new, accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying overnight. In particular proposals for new hotels in Hereford will be encouraged.
- 6.6 CS policies SD1 and LD1 states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. LD1 requires that the character of the landscape/townscape has positively influenced the design and scale of development, amongst other matters. These policies accord with the National Planning Policy Framework (NPPF), with regards good design and ensuring a high standard of amenity for existing and future occupiers.
- 6.7 Policy MB13 of the MBNDP seeks to safeguard community facilities and supports proposals which fit with the rural setting and do not create unacceptable noise. Policy MB15 also supports proposals to expand existing businesses and the development of tourism related businesses, where they are suitable in terms of scale and character.

Design and Visual Impact

- 6.8 The proposal will replace an existing conservatory on site with a new rear single storey extension to accommodate additional dining space for the restaurant, subsequently freeing up space within the existing bar area to provide a more relaxed lounge area for customers. The existing conservatory will be demolished and the single storey extension will extend from the rear elevation to the south-west of the site. The extension will have a contemporary design with walls comprising timber cladding under a flat roof and wide window openings, similar to what exists currently, maximising the view to the rear. The proposal also entails an extension of the existing terraced area which will surround the new extension with a glass balustrade. The hotel has had several later additions namely to each side elevation from what was the original building, a contemporary designed rear extension is not considered to cause an adverse visual impact and is considered to harmonise with the building and wider site.



Proposed Elevation

Residential amenity

- 6.9 The extension will have an overall ridge height of 3 metres width of 14.1m and length of 12.6m resulting in approximately 88sqm of internal space. The roof will have a slight overhang to each side creating a small undercover space. It is noted the dwellings to the rear of the site which are currently under construction would be considered most impacted by the proposals however given the relative distance of over 50 metres, along with the established use and the small scale nature of the proposal this is not considered to cause any adverse impact to residential amenity in accordance with CS policy SD1.

Highway impacts

- 6.10 The Area Engineer Team Leader and National Highways have been consulted on this application and both provide a no objection response. The extension is not considered to alter any parking provision on site with plentiful spaces available nor will it adversely impact access to and from the site with good visibility from the main entrance to the A49.

Noise/contamination risks

- 6.11 The Environmental Health team have been consulted in regard to noise, nuisance and contaminated land and offer no objection to the scheme and it is considered that enhancing the current use will not result in any unacceptable additional noise impacts.

Biodiversity

- 6.12 The proposal will not create any additional, potentially self-contained residential accommodation, new holiday accommodation or identified significant additional foul water flows and no other effects are identified. As such the Ecologist has confirmed that there are no triggers requiring a formal Habitat Regulations Assessment process.
- 6.13 It is also not considered that the development will have a detrimental effect on the local population of protected species and an informative note is recommended below to remind the applicant and their contractors of their obligations to wildlife protection.

Conclusion

- 6.14 The Pilgrim Hotel is an important venue for local residents and provides wider tourism and associated economic benefits and a range of local employment opportunities. The extension is not considered to cause any adverse visual impacts or to unacceptably affect the residential

amenity of neighbouring properties. The proposed development will allow the business to grow whilst harmonising with its existing setting and is therefore recommended for approval subject to the conditions stated below. Officers would conclude that the proposal complies with the requirements of the Development Plan policies .

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

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

2. **Development in accordance with approved plans and materials**

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 024-001_007, 024-001_05) 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:

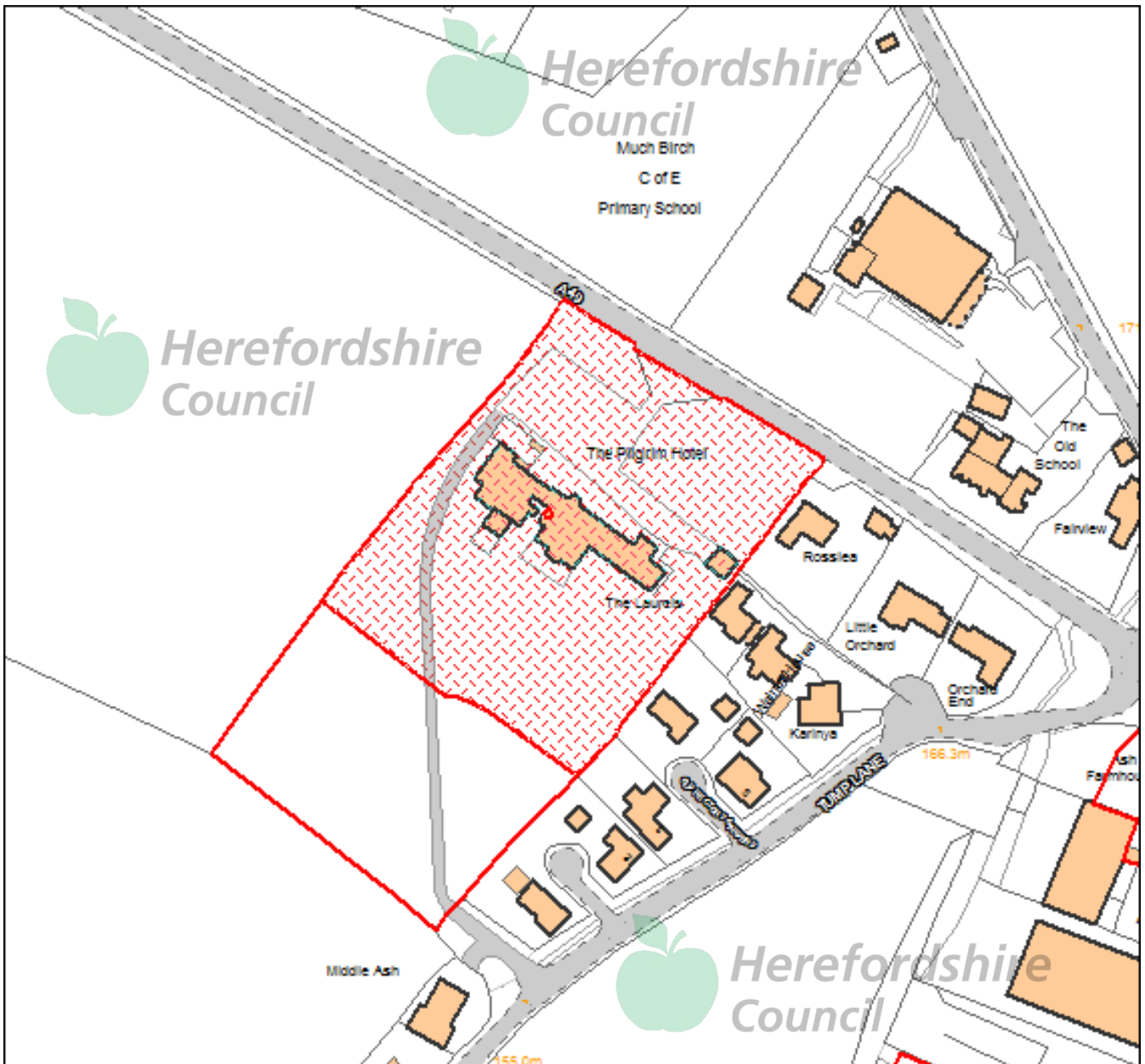
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

Decision:

Notes:

Background Papers

None identified.



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APPLICATION NO: 240148

SITE ADDRESS : THE PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8HJ

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

