

Agenda

Planning and Regulatory Committee

Date: **Wednesday 17 July 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:

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

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson Councillor Terry James
Vice-chairperson Councillor Clare Davies

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Dave Boulter
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Richard Thomas
Councillor Mark Woodall

Agenda

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	PUBLIC INFORMATION	
	GUIDE TO THE COMMITTEE	
	NOLAN PRINCIPLES	
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of items on the agenda.	
4.	MINUTES To approve the minutes of the meeting held on 5 June 2024.	13 - 26
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	230457 - LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE Construction of 36 no. dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space; and associated works, including demolition of piggery buildings.	27 - 132
7.	214539 - LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HEREFORDSHIRE, HR6 0SG Proposed residential development of five dwellinghouses with associated vehicle access from C1059 together with drainage infrastructure and planting.	133 - 170
8.	230385 & 230386 - MUSEUM, HEREFORD LIBRARY, BROAD STREET, HEREFORD, HEREFORDSHIRE, HR4 9AU Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.	171 - 334
9.	240980 - MORDIFORD BRIDGE, MORDIFORD, HEREFORDSHIRE, HR1 4LN Application for variation of condition 2 of permission P230283/L (Engineering works to reinforce Mordiford Bridge at flood arch No.2 and No.3. The works will involve dismantling the existing parapet; casting a new reinforced concrete core against the existing upstream spandrel wall; extending the new concrete wall into the parapet; and cladding the exposed concrete with masonry to match the existing bridge) - to amend design.	335 - 342

10. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE 343 - 430

To seek authorisation from the Planning & Regulatory Committee to agree a further 4 months from the date of the Planning Committee(17 July 2024), to finalise and complete a Section 106 agreement in respect of application 163932:

PENDING S106 AGREEMENT – 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.

11. DATE OF NEXT MEETING

Date of next site inspection – 20 August 2024

Date of next meeting – 21 August 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 Jacqui Carwardine	Liberal Democrat
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 Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

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

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

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

Role of the local ward member

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

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

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

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

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 5 June 2024 at 10.00 am

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

Councillors: Polly Andrews, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Robert Highfield, Stef Simmons, Richard Thomas, Allan Williams and Mark Woodall

In attendance: Councillor Barry Durkin

Officers: Team Leader Area Engineer, Senior Lawyer and Development Manager Hereford and South Team

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bruce Baker, Jacqui Carwardine and John Stone.

2. NAMED SUBSTITUTES (IF ANY)

Councillor Robert Highfield acted as a substitute for Councillor Baker.

Councillor Allan Williams acted as a substitute for Councillor Stone.

3. DECLARATIONS OF INTEREST

4. MINUTES

RESOLVED: That the minutes of the meeting held on 1 May 2024 be approved.

5. 233688 - LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE (Pages 9 - 10)

The Senior 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 Botfield, local resident, spoke in objection to the application and Ms Dray, 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 application would result in a significant increase in car movements along a very narrow, private lane. The increase in vehicle movements would have an adverse impact upon residential amenity and highway safety and was contrary to core strategy policy MT1. The vehicle movements associated with the site militated against the principle of sustainable development, contrary to the local neighbourhood development plan and core strategy policy SD1. The application represented over intensification and was inappropriate within the location. The shepherds huts were out of character and were detrimental to the landscape. There was concern that the choice of willow as a screening hedge would take a long time to become established. The application would also result in

neighbouring properties being overlooked. There was considerable local concern regarding the application and there was objection to the proposal due to the inappropriate setting of its location.

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

- The proximity of neighbours to the application site was acknowledged and concern was expressed regarding the impact of the site on local residents. As an addition to the conditions for the application it was felt that a site management plan should be included to regulate the operation of the holiday lets. The plan should include: conditions relating to noise, including a prohibition on all amplified music; hours of check-in to prevent late arrival on the site; and the exclusion of hot tubs and ancillary structures on the application site.
- The effectiveness of the screening of the shepherds huts was raised and it was felt that the landscaping scheme, required by the proposed condition, should ensure the planting of substantial shrubs. The planting of larger, substantial shrubs would provide effective screening that would promptly become established and reduce the impact of the application site on the landscape.

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

Councillor Richard Thomas proposed and Councillor Dave Davies seconded the approval of the application subject to the changes to conditions as outlined below:

- The inclusion of a condition to require the completion of a site management plan to regulate: noise, including a prohibition on all amplified music; hours of check-in to prevent late arrival on the site; and the exclusion of hot tubs and ancillary structures on the application site; and
- The inclusion in the landscaping scheme of a requirement for larger, substantial shrubs to be planted to provide screening of the shepherds huts.

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

RESOLVED: That planning permission be granted subject to: the following conditions; a condition to require the completion of a site management plan (to regulate noise, including a prohibition on all amplified music, hours of check-in, to prevent late arrival on the site and the exclusion of hot tubs and ancillary structures from the application site); the inclusion in the landscaping scheme of a requirement for larger, substantial shrubs to be planted to provide screening of the shepherds huts: 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. **The development hereby approved shall be carried out strictly in accordance with the approved plans (23_515/sk01D; 23_515/SK02 A; 23_515/SK03 C; 23_515/01 C; 23_515/02 A; 23_515/03 A; 23_515/04; 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, Policy SD1 of the Much Marcle Neighbourhood Development Plan, and the National Planning Policy Framework

3. **No development shall commence, including site clearance and ground works, until a**

landscape scheme, is submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- A. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- B. All existing and proposed hardstanding and boundary treatment.

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

4. The shepherds huts shall be used for holiday accommodation and for no other purpose (including any other purpose in Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5. As detailed in supplied plans and reports all foul water shall discharge to new One 2 Graf Treatment Plant discharging to a drainage field and all surface water shall be managed by appropriate onsite infiltration-soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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, SD3, SD4 and LD2

6. 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

- 7. No amplified or other music shall be played outside the following times 10:30pm and 08:00am. There shall be no fireworks nor open fires within the application site.**

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

- 8. Prior to first occupation of the shepherds huts hereby approved, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes and TWO Bat roosting features/boxes 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. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.**

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.

- 9. 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 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

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.
3. Herefordshire Council would remind the operators of the units that they will need to make provision for commercial waste arrangements and should not dispose of any waste associated with the use of the shepherds huts the by using the service provided for households. Further advice can be sought from Herefordshire Council.
<https://www.herefordshire.gov.uk/rubbish-recycling/business-waste>

There was an adjournment at 10:45 a.m.: the meeting reconvened at 10:57 a.m.

6. **240780 - WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ** (Pages 11 - 14)

The Senior 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.

The committee debated the application. The committee raised the need to address the potential impacts of demolition and building works in the event of heavy rainfall be included in the Construction Environmental Management Plan (CEMP) to ensure the risk of contaminated run-off from the construction site was appropriately managed.

Councillor Dave Boulter proposed and Councillor Polly Andrews seconded the approval of the application in accordance with the case officer’s recommendation. The motion was put to the vote and was carried unanimously.

RESOLVED: 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. 407.P30, 407.P31, 407.P35, 407.P02) 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.

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

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

- 4. 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

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) 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 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.

7. 240602 - BRICK HOUSE, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1QW

The Senior Planning Officer provided a presentation on the application.

The committee debated the application.

Councillor Stef Simmons proposed and Councillor Dave Boulter seconded the approval of the application in accordance with the case officer's recommendation. The motion was carried unanimously.

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

- 1 C01 – Time limit for commencement (full permission)**
- 2 C06 – Development in accordance with the approved plans**

INFORMATIVES:

1. Application Approved Without Amendment

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.

The meeting ended at 11.09 am

Chairperson

233688 - CHANGE OF USE OF AGRICULTURAL LAND TO USE FOR HOLIDAY HUTS. 2 SHEPHERD HUTS AND CREATION OF CAR PARKING AREA. AT LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE,

For: Mr & Ms Judd & Dray per Mr Derrick Whittaker, 1 Farjeon Close, Ledbury, Herefordshire, HR8 2FU

ADDITIONAL REPRESENTATIONS

Two further representations have been received:

1. I wish to express my serious concerns in your report and information contained within. Your submissions are riddled with inaccuracies, errors and poor processes. The Highways submissions are lacking in detail and professionalism it comes across that no one has done their job properly or consistently. I am so concerned with you and your colleagues submitted reports I feel you should stop the planned committee meeting and write to them expressing that your information is flawed, if you do and it goes ahead with planning granted I will demand a Judicial Review.”- **Mr T Newbrook 03 June 2024 [Email]**
2. We raised concerns over the application with the Parish Council and made representations in objection. At the Parish council meeting this application was discussed at length and the applicants were advised that permission would be required for use of the access. The Parish Council expressed their apologies that they were limited in the support they could provide but would recommend that the access be properly considered. Subsequently the representation from the Parish Council was made conditional on the access being properly considered. When it became clear to the applicants that ourselves and our neighbours at the White House would not support the application and that the Parish Councils support was conditional on proper consideration of the access, the applicants amended the application by changing the outline plan so it no longer included the access. This was supported by a statement from the agent claiming that the access was ‘an unadopted public road’. It is clear from the area definitive map that the access is not a public road and has no public rights.

The evidence and timeline of the alteration to the application would strongly suggest that removing the access from the application against an obviously false statement which cannot be supported by public record is a deliberate attempt to manipulate the planning process and mislead the planning officer. The application site is an Island surrounded by private property, the ownership of which is not disputed by anyone including the applicants. No public right of way crosses this private property, and no permission has been given for its use in conjunction with this application.

It would appear that the planning officer has been duped into proceeding with an application that has not been properly presented and does not respect the rights of the landowners.

I would also bring to your attention a serious error in the planning officer’s report which states the access to be ‘some 4 meters wide’. The access is 1.8 meters wide at its narrowest point and little more than 2.4 meters wide at its widest. You need only view it on google street view to confirm this point which will also become clear during the site visit on the 4th June. The determination regarding visibility splays at the exit of our driveway onto

the public road has also not been properly considered. This will become very much apparent to those who visit the site.”- **Mr M Botfield 02 June 2024 [Email]**

OFFICER COMMENTS

For the avoidance of doubt the reference to a gravity fed system was in connection with the existing arrangement for the Septic Tank. The proposal would be to replace this with a pumped system discharging into a drainage field through a Package Treatment Plant.

In response to further concerns expressed following the publishing of the report, it is confirmed that the proposed access road has been measured on site. At its widest it is 4.2 metres and at its narrowest it is 2.8 metres

CHANGE TO RECOMMENDATION

Additional Informative

Herefordshire Council would remind the operators of the units that they will need to make provision for commercial waste arrangements and should not dispose of any waste associated with the use of the shepherds huts the by using the service provided for households. Further advice can be sought from Herefordshire Council. <https://www.herefordshire.gov.uk/rubbish-recycling/business-waste>

240780 - PROPOSED REPLACEMENT CHANGING ROOMS AND ASSOCIATED FACILITIES. AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ

For: Mr Saer per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

2 further representations have been received which are set out below

Principal Building Conservation Officer:

'Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

The site lies within the Central Conservation Area, with the proposal being for the proposed replacement of changing rooms and associated facilities.

The building to be demolished is relatively modern, and representative of its function and as such there is no objection to its demolition.

In terms of the replacement building the design echoes the existing building to be retained maintaining the roof height and pitch and materials.

The proposal would need to be assessed against Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SS6, LD1 and LD4.

Given that there is an existing building of relatively modern construction which is to be replaced, it is considered that the proposal would preserve the character or appearance of a conservation area. The change of materials from white upvc cladding to box profile composite sheet is welcomed, however I would request a condition in term of the colour

With that condition in terms of materials I would therefore raise no objections to the proposal on built heritage terms.'

Natural England Comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Catchment SAC <https://designatedsites.naturalengland.org.uk/>.

- damage or destroy the interest features for which River Wye Catchment SSSI (including schemes impacting on the linked River Lugg SSSI) Site of Special Scientific Interest have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- An Ecological Protection and Construction Environmental Management Plan We advise therefore that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes 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 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.

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.

Further advice on mitigation

The proposed development is within 50m of the boundary of the River Wye SAC (SSSI). The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities. As no significant new or additional nutrient pathways are identified this effect has been 'screened out' by your authority from requiring any further detailed consideration.

Due to the proximity to the River Wye the demolition and construction processes have the potential to affect the Habitats and Species associated with the River Wye SAC. These effects can be ecological (eg directly on species) or through wider environmental effects such as noise, vibration, dust and general run-off of pollutant and contaminants in to local surface water flows that connect to the River Wye.

With an Ecological Protection and Construction Environmental Management Plan secured by condition no unmitigated effects on the River Wye SAC (SSSI) are identified from the proposed development.

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan, including but not limited to an ecological working method

statement; and details of the person responsible for the implementation of the CEMP has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary. Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk

CHANGE TO RECOMMENDATION

Having received the No Objection comment from Natural England, the recommendation can now be changed to one of Conditional Approval

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 July 2024
TITLE OF REPORT:	230457 - CONSTRUCTION OF 36 NO. DWELLINGS, NEW VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL INFRASTRUCTURE, LANDSCAPING, OPEN SPACE; AND ASSOCIATED WORKS, INCLUDING DEMOLITION OF PIGGERY BUILDINGS. AT LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE, For: Rosconn Strategic Land Limited per Mrs Elizabeth Bloomfield, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&search-term=230457
Reason Application submitted to Committee – Request from Ward Member – Public Interest	

Date Received: 9 February 2023

Ward: Hope End

Grid Ref: 375241,242685

Expiry Date: 22 May 2024

Local Member: Cllr Helen Heathfield

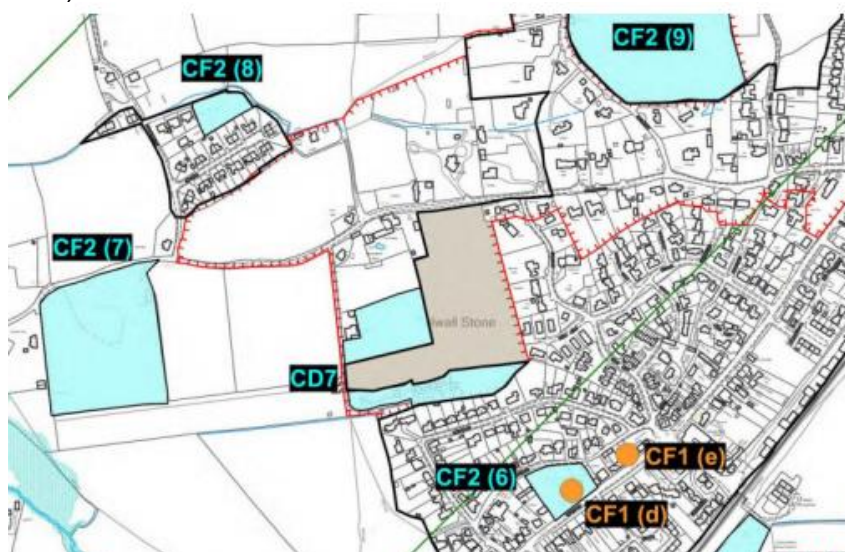
1. Site Description and Proposal

- 1.1 The application seeks full planning permission for the ***‘construction of 36.no dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space; and associated works, including demolition of piggery buildings’***.
- 1.2 The application site comprises a parcel of land measuring approximately 4.30 hectares. The site is located to the north western edge of Colwall, Herefordshire.
- 1.3 The Parish of Colwall is on the eastern boundary of Herefordshire between the towns of Malvern to the north east and Ledbury to the south west. It lies in the centre of the Malvern Hills Area of Outstanding Natural Beauty (AONB) now known as a National Landscape.
- 1.4 The village is the main settlement in the Parish and comprises the two areas of Colwall Stone and Colwall Green. Upper Colwall is a scattered group of buildings set on steeply sloping land. Colwall Stone forms the centre of the village. It has a range of facilities including shops, public houses, library, post office, pharmacy and doctor’s surgery, as well as other local businesses. There is a railway station which has direct services to London, Birmingham and Hereford.
- 1.5 The application site comprises three land parcels totalling approximately 4.30 hectares. The main part of the site is a reverse ‘L shaped’ pasture field which sits immediately to the south of Old Church Road. The south eastern corner of the site is formed by a separate much smaller, irregularly shaped pasture field. The south western part of the site includes an area of old

agricultural buildings, now predominantly in a state of disrepair and surrounded by trees, scrub, vegetation and rough grass.

- 1.6 The site is bounded by detached residential dwellings to the south (The Crescent) and east (Stone Drive and Stone Close). Old Church Road contains residential properties but has a more rural context and runs along the northern boundary of the application site. Hopyard Cottage abuts the western portion of the site. A Public Right of Way runs along the western boundary of the application site which links to the footpath network to the south west. Access is currently gained via an existing field gate along the western boundary of the site.
- 1.7 The existing topography of the site is very gently undulating, falling broadly from north-east and west-south, but with a slight gully running east to west through the middle of the site. A small stream runs east to west from the south east corner of the site, with a section of the stream lying within the site. Field boundaries including those enclosing the site are predominantly formed by hedgerows with variable but generally high numbers of hedgerow trees. The north western boundary of the site is marked by a post and wire fence. There is no formal access to the site in respect of Public Rights of Way but there are PROWs in the area surrounding the site (Footpath Colwall 30, Footpaths Colwall 30A and 30B, Footpath Colwall 12 and 13). The wider area is well served with PROWs.
- 1.8 In terms of constraints, the site is located within Colwall Conservation Area and is also within the Malvern Hills Area of Outstanding Natural Beauty. (National Landscape). There are no listed buildings within the site, however, there are listed buildings located along Old Church Road close to the northern boundary of the site. There are no specific ecological designations in respect of the site. There is a large Oak Tree on the northern boundary of the site which is protected by a Tree Preservation Order. The site is located within Flood Zone 1, which is the lowest probability of fluvial flooding.
- 1.9 The majority of the site falls within the settlement boundary for Colwall as designated by the Colwall Neighbourhood Development Plan, the exception being two parcels of land to the south and west which are shaded blue on the policies map and are designated as Open Space.
- 1.10 The site is referred to as 'Site 2 Grovesend Farm' and is allocated through Policy CD7 of the Colwall Neighbourhood Development Plan for housing development of at least 32 dwellings. The areas to the west and south of the proposed housing area (shaded blue in the Policies Map) are included within Policy CD7 and allocated as areas of Open Space.

An extract of the Colwall Village Policies Map January 2021 is included below (Site is shaded brown – Policy CD7):



- 1.11 The application seeks full planning permission for a total of 36 dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space and associated works, which includes the demolition of existing piggy buildings.
- 1.12 The proposed development includes a mix of 2, 3 and 4 bedroom properties in the form of detached, semi-detached and terraced properties. Seven properties are bungalows and the remainder are two storeys.

An extract of the Amended Proposed Site Plan – PL004 Rev W is included below:



- 1.13 The mix of properties is as follows:
- 7 detached bungalows (7 x 2 bedroom);
 - 17 detached dwellings (9 x 3 bedroom and 8 x 4 bedroom);
 - 6 terraced properties (2 bedroom); and
 - 6 semi-detached (4 x 3 bedroom and 2 x 2 bedroom).
- 1.14 A total of 22 open market dwellings and 14 affordable dwellings are proposed across the site. The density of the scheme in the developed area of the site (excluding the public open space) would be just under 16 dwellings per hectare.

- 1.15 A new vehicular access is proposed onto Old Church Road to the north of the site. Off-site works are also proposed to introduce a new footpath in the public highway on Old Church Road. A 2.5 metre wide footpath and cycleway links through the application site connecting with the south western corner of the site.
- 1.16 The proposed layout includes provision of a large area of public open space, which incorporates sustainable drainage systems, a community orchard, walkways and a children's play area. The open space extends along the entire southern boundary of the application site and the proposals incorporate the tram lines to the south western corner of the site being preserved.
- 1.17 There will be some boundary treatment removal required to facilitate the proposed access, but overall the proposals incorporate the retention and enhancement of existing boundary vegetation.
- 1.18 The proposed development is a mixture of single and two storeys in scale. The majority of the dwellings proposed are two storey, with seven single storey properties positioned to take account of the site's characteristics, topography and surrounding context.
- 1.19 A total of seven housetype designs are proposed across the site. Details such as strong triangular shaped gables, stepped brickwork, horizontal brick cladding, window surrounds and stone cills have all been included within the house type designs.
- 1.20 Foul water is proposed to be managed through a traditional gravity drainage system and directed to a Type 3 pumping station in the south west of the site.

2. Policies

- 2.1 The Development Plan comprises the Herefordshire Local Plan – Core Strategy, Minerals and Waste Local Plan and the Colwall Neighbourhood Development Plan.

Herefordshire Local Plan Core Strategy 2011-2031

- 2.2 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:-

[Adopted core strategy – Herefordshire Council](#)

- 2.3 The following policies are considered relevant to the application proposal:

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
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sport and recreation facilities
OS2	-	Meeting open space, sport and recreation facilities
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

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

- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

Minerals and Waste Local Plan

- 2.4 A Minerals and Waste Local Plan (MWLP) has been prepared to guide mineral extraction and the management of waste in Herefordshire up to 2041 and beyond and was adopted in March 2024. The plan replaces the saved minerals and waste policies of the Unitary Development Plan. The MWLP together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[Herefordshire Minerals and Waste Local Plan March 2024](#)

- 2.5 The following policies are considered relevant to the application proposal:

- SP1 - Resource Management
- M1 - Minerals Strategy

Colwall Neighbourhood Development Plan 2021-2031

- 2.6 The Colwall Neighbourhood Development Plan together with any supporting documentation can be viewed using the following link:-

[Colwall Neighbourhood Plan January 2021 \(herefordshire.gov.uk\)](#)

- 2.7 The following policies are considered relevant to the application proposal:

- Policy CSB1 - Colwall Settlement Boundary
- Policy CD1 - Protecting Exceptional Key Views
- Policy CD2 - New Residential Development
- Policy CD4 - Development in the Conservation Area and Protecting Built Heritage Assets
- Policy CD7 - Grovesend Farm
- Policy CD10 - Protecting Archaeology
- Policy CH1 - Range and Mix of Housing
- Policy CRE1 - Renewable Energy Schemes

- 2.8 The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

[National Planning Policy Framework \(publishing.service.gov.uk\)](#)

- 2.9 Planning Practice Guidance provides guidance across a broad range of topic areas in terms of determining planning applications and producing local plans. The guidance is set out in various topic areas which can be viewed via the link below:-

[Planning practice guidance - GOV.UK \(www.gov.uk\)](#)

- 2.10 Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 sets out the vision for the designated Area of Outstanding Natural Beauty (AONB). It is a statutory document, produced and reviewed under Section 89 of the Countryside and Rights of Way Act 2000. The plan can be viewed via the following link:-

[19-24-MHAONB-Management-Plan.pdf \(malvernhills-nl.org.uk\)](#)

- 2.11 Colwall Village Design Statement was endorsed for material consideration when dealing with planning matters by Herefordshire Council on 20 April 2001. The document can be viewed using the following link or accessed via Herefordshire Archive Service Catalogue:-
[COLWALL VILLAGE DESIGN STATEMENT.pdf \(colwallneighbourhoodplan.org.uk\)](https://www.herefordshire.gov.uk/colwallneighbourhoodplan.org.uk)

Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement

- 2.12 The Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement is discussed within this report and can be viewed using the link below:
[documents \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/documents)
- 2.13 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 was updated in November 2020. The Council is in the process of preparing a new Local Plan. 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 A formal pre-application request was submitted to the local planning authority in November 2021 (Ref: **214338**). The request sought advice in respect of an outline application including access from Old Church Road with all other matters reserved for up to 41 dwellings, public open space; SuDS and associated works.

4. Consultation Summary

- 4.1 External Consultations

- 4.2 **Herefordshire and Worcestershire NHS comments as follows:**
Consultation response dated 15 March 2023

Introduction

Thank you for consulting NHS Herefordshire and Worcestershire on the above planning application.

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).

Existing Healthcare Position Proximate to the Planning Application Site

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.

Review of Planning Application

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.

Assessment of Development Impact on Existing Healthcare Provision

The development could generate approximately 87 residents and subsequently increase demand upon existing services.

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.

Healthcare Needs Arising From the Proposed Development

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.

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.

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.

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

Primary Care Network	Additional Population Growth (36 dwellings) ¹	Floorspace required to meet growth (m ²) ²	Capital required to create additional floor space (£) ³
East Herefordshire PCN	87	6	24,000

Notes:

1. Calculated using an average household size of 2.4 taken from the 2011 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 optimal 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).

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 **£24,000**. Payment should be made before the development commences.

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.

Conclusions

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.

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.

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.

The terms set out above are those that Herefordshire and Worcestershire ICB deem appropriate having regard to the formulated needs arising from the development.

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).

Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

4.3 Severn Trent comments as follows:

First consultation response dated 6 April 2023

I am emailing today to please request an extension in time in order to provide our STW comments.

We are wanting to do some further investigations into the foul sewage proposals, so for now have I passed this to a Senior Evaluation Technician with the response due back no later than Friday 14th April.

I will look to email again 14th April with either our comments, or a further extension in time (depending on what level of investigation is required).

I have checked our systems and have been unable to locate a Development Enquiry for this development; if the applicant believes that have completed one previously, please provide me with the relevant SAP reference number.

Second consultation response dated 11 April 2023

I am emailing today to request a 'Holding Objection' on this application until the following:

1. Can the pumped flow rate be provided for the proposed foul sewage connection to PFS mh 1801.
2. Confirmation that Surface Water is to discharge to the nearby watercourse as proposed (if so, we would recommend discussing this with the LLFA).
3. Once this information is received, we will be in a position to raise a Modelling Request to determine the affect this proposed development will have on the network. It is important to note: Modelling requests can take up to 6-8 weeks for the Sewer Capacity Assessment to be returned to us, therefore it is in the Developers best interests to provide this information as soon as possible.
4. When we have assessed the Sewer Capacity Assessment (SCA) report, we will look to provide further comment (I am unable to advise at this time what condition wording we would

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

be looking to apply, as the results of the SCA report will determine this and as to whether we feel a Grampian condition would be required.)

Third consultation response dated 5 September 2023

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows. I can confirm that we have no objections to the proposals as the modelling results demonstrated a low impact of this development. We would request the following condition is applied, to ensure proposals do not change from those modelled against Drainage strategy drawing C002 Revision E;

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Fourth consultation response dated 28 November 2023

We require to carry out more in-depth modelling for this planning application; this is due to resident concerns in the area.

It may be that our comments submitted 05/09/2023 do not change, which read; "I can confirm that we have no objections to the proposals as the modelling results demonstrated a low impact of this development. We would request the following condition is applied, to ensure proposals do not change from those modelled against Drainage strategy drawing C002 Revision E;

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

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

But until the additional in-depth modelling has been returned, we are unable to advise any further.

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

Fifth consultation response dated 19 January 2024

We have received the results of the Modelling Report which has indicated a predicted risk of flooding and pollution due to this proposed development.

Due to these results, I am emailing to please request a holding objection while ongoing investigations are carried out.

We thank you for your continued patience and support as we investigate this matter.

Sixth consultation response dated 22 February 2024

We have now received the results of our sewer capacity assessment which predicts a potential high risk of pollution. Consequently, Severn Trent objects to this application.

Seventh consultation response dated 19 March 2024

I refer to our recent discussions regarding the proposed development at Old Church Road, Colwell.

As you are aware, our current objection is based on the findings of our initial SCA. However, after further consideration it has become clear that the hydraulic model on which the study is based is one in which we have a low level of confidence (it is often only after having carried out a SCA that the quality of the model becomes clear) and consequently we must now undertake work to further develop the model to a greater level of accuracy.

This additional work will involve survey work on site and consequently will take at least twelve weeks to complete. When all necessary work has been carried out we will be happy to share the findings with you

This being the case, whilst we still have concerns over this development, Severn Trent cannot substantiate our current objection and appreciate you may need to approve the application. If you decide to do so, we ask for the approval to be conditioned as follows:

The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

4.4 Natural England comments as follows:

Consultation response dated 21 August 2023

Thank you for your consultation on the above dated 10 August 2023 which was received by Natural England on 10 August 2023.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Malvern Hills 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.

Protected Landscapes – Malvern Hills AONB

The proposed development is for a site within or close to a nationally designated landscape namely The Malvern Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Other advice

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development. As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

You should apply our Standing Advice to this application in order to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

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. If you have any queries relating to the advice in this letter please contact consultations@naturalengland.org.uk

4.5 Internal Council Consultations

4.6 Country Archaeologist comments as follows:

Consultation response dated 22nd March 2023

Assuming that the layout of the development will be as, or substantially similar to, that indicated in the application, I have no real concerns as regards archaeological impact.

4.7 Building Conservation Officer comments as follows:

Comments dated 10 May 2023

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

The application is made in full for 36 houses. The site lies within the Colwall Conservation Area and is adjacent to listed buildings; the Homestead and attached stables block [UID 1302305], Barn House [UID1349716} and Winterslow {UID 1349717}, and contains non designated historic assets in the form of tramlines, piggeries and it is understood an icehouse.

The site has been indicated as appropriate for development in the Colwall Neighbourhood Development Plan, and as such the principle of development is not opposed. I note the pre-planning application 214338, and that the comments raised in respect of the siting of the play area and the boundaries has been taken into account, and would consider that the layout has addressed the sensitive nature of the site and its constraints.

However as there are views across the site from Old Church Road into Colwall, it is regrettable that the suggestion of chimneys has not been taken up. The topography (sic) of the area renders the rooflines visible from locations and greatly adds to the character and interest of the area. However the proposal is for 36 houses without chimneys. I would therefore again request that chimneys be included within the design to retain the roofscape of the conservation area.

I would also question the render on the gable feature of Bungalow type B on plots; 1, 35 and 36, and just brick is requested.

Whilst noting the plans indicate the materials and the use of natural slate is welcomed, given the visibility and sensitivity of the site, it is recommended that a condition requiring samples be provided in addition to boundary treatment retention.

I look forward to receiving amended plans with chimneys and loss of render to the gables on plots; 1, 35 and 36, in due course.

In respect of the heritage assets within the site. Whilst noting the Heritage Impact Assessment, it is considered that the loss of the piggeries are noted and in many ways regrettable, however they are not publically accessible, nor are the tramlines. The retention of the tramlines and their interpretation in the are of open space would be considered to be a public benefit, and as such there are no objections to the loss of the piggeries, however a condition requiring a full photographic survey of the piggery prior to demolition is suggested and a condition requiring a methodology of the tramlines retention to be incorporated into the hard landscaping plan.

Once amended plans are received – I would suggest the following conditions in addition to materials

CF7

CG1 - No development approved by this permission shall commence until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

CE9 –

- Details as to the methodology for lifting and relaying and retaining the tramlines
- Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme

Second consultation response dated 4 October 2023

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

Further to my comments of 10/05/2023, where I requested some design changes, I acknowledge the amended details received.

The application is made in full and lies within the Colwall Conservation Area which was designated in 2001.

The site has been allocated for housing within the Colwall NDP, and I duly note the document and the assessment of the site in Map 4 of that document and the site analysis in section 6.4 and policy CD4.

I had previously requested that consideration be given to;

- Chimneys be included within the design to retain the roof scape of the conservation area.
- Requested the use of brick on Bungalow type B on plots; 1, 35 and 36,

I note the chimneys on Illustrative Street Scenes revision E, and

I note the revision D to Bungalow type B which introduces brick on all four elevations.

As such I would consider that the design changes I suggested have been considered and amendments received. I duly acknowledge that the site lies within a Conservation Area, and that this designation provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces, that define an area's special interest.

Acknowledging the areas of open space on the boundary of the site that are not being developed as indicated on the proposed site plan, which provides a natural buffer between the housing proposed and the adjacent countryside, I would raise no objections to the proposal.

In making these comments I can confirm that I have read;

- the Colwall Character Statement
- the Colwall NDP

I am aware of our duties under section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and also Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

Conditions

In addition to standard materials and landscaping conditions I would also suggest the following conditions;

1. CF7
2. CG1 - No development approved by this permission shall commence until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.
3. CE9 –
 - details as to the methodology for lifting and relaying and retaining the tramlines
 - Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme

4.8 Ecology comments as follows:

Consultation response dated 19 April 2023

The Preliminary Ecology Report by Cotswold Wildlife Services originally surveyed 11/05/2021 with an update survey 18/11/2022 is noted and refers.

This report does not appear to include any/a current species search from the local biological records centre – HBRC as would normally be best practice and as recommended by CIEEM and BS:42020 – in particular as the site is village edge rural with a wide range of habitats on-adjacent to the site. The lack of such a search means that potentially significant protected species records have been missed – in particular Great Crested Newts recorded on and breeding in ponds directly adjacent to the proposed development site. Including in gardens on the eastern boundary.

There are also additional records from reliable/professional sources that may not yet be available via HBRC of use of the site and adjacent properties for breeding slow worm populations, regular presence of Grass Snake and additional records of access from the site into gardens by Badgers and foraging visits by locally recorded Otter populations. There are also populations of other significant amphibians including other newt species, toads and frogs.

Further detailed ecological assessment and surveys are requested based on this missing data search and available information. The updated ecology report should clearly identify how the proposed development will not impact local populations of protected species, including through isolation of breeding populations and introducing artificial barriers to species movements across the site. The impact on additional household pets on all protected species should also be considered (eg cats commonly ‘playing’ with Slow Worms) The LPA has a duty to ensure protected species and wider ecological interests are not impacted by proposed development prior to any grant of planning permission.

As relevant detailed species/species group Risk Avoidance Measures and working methods should be clearly defined and supplied for approval. A fully comprehensive Construction

Environmental Management Plan (CEMP) that should include identified ecological risk avoidance measures, in addition to consideration of all other potential environmental effects from the construction process should either be supplied for approval or will be requested as a pre-commencement condition on any planning permission finally granted. (see https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan for useful guidance on all factors considered within a CEMP).

Detailed mitigation and compensation measures should be supplied and all surface water drainage should be designed (details supplied) such that there are no amphibian/reptile traps created (eg highway drain design).

A detailed specification and plan for all 'hard' habitat enhancements such as (but not limited to) Bat roosting, bird nesting, hedgehog houses and 'highways' through all relevant impermeable barriers is requested for approval or will be requested as a pre-commencement condition on any planning permission granted.

Local recorded, significant, bat roosting has been acknowledged in supplied report but no surveys to determine the actual importance of the site for foraging and commuting to support these populations appears to have been undertaken and thus to inform the layout and design of the development to protect movement corridors (in particular between roosting and foraging areas). Relevant surveys should be completed to inform a final proposed layout, protection/creation of dark corridors and an overall street lighting and private dwelling external lighting and illumination scheme.

It is noted that a "Community Orchard" is proposed – no details have been supplied as to what this orchard will consist of or how it will be managed and the community fully involved and participatory in its use and management. Colwall already has a thriving and nationally exemplar 'Colwall Orchard Group' – and it is requested that a detailed Establishment, Management and Community Involvement Plan is developed in partnership with the established group and supplied for approval by the LPA to ensure that proposed community orchard is locally relevant and can actually be delivered managed, maintained and the local community fully involved for the lifetime of the development.

The principle of the proportionally large area of multi-function open space that integrates play, trails, community orchard and deliver a habitat based biodiversity net gain is noted and supported. Protected species and locally important wildlife and any creation of isolated populations or interrupted commuting and foraging falls outside Biodiversity Net Gain process and needs to be addressed as a specific consideration. The impermeability of the hard development of dwellings and gardens on the eastern boundary is a significant concern in this respect.

Once all of the updated and additional information has been supplied final ecology comments and required consideration of effects on local protected species populations completed.

Second consultation response dated 5 September 2023

The fully revised and updated ecology report by Cotswold Wildlife Surveys dated July 2023 with additional optimal surveys completed during 2023 is noted and refers.

The response by Natural England dated 31 August 2023 including a "no objection" in respect of any effects on SSSI designated sites is noted and refers.

The ecology report includes full consideration of all recent records of protected species and species of national or local interest, including those submitted by local residents within their formal comments on the application. As relevant optimal period, detailed surveys were completed for use of the site by Bats (including foraging and commuting) and presence of reptiles and amphibians across the site.

The survey results indicate a higher usage by species such as bats for foraging and commuting along the less managed southern boundary of the site and the presence of a very small population of Grass Snake in this area, (redacted) These southern and western boundaries have been retained as natural areas within the proposed development and natural habitats are expanded into the existing 'managed' area of land as part of the extensive natural and semi-natural greenspace proposed as part of the development. Any effects on local protected species will be limited to the actual construction phase of the development and all wildlife can be protected during this phase using appropriate risk avoidance measures that can be secured as part of a wider Construction Environmental Management Plan (CEMP) through condition on any planning permission granted. In the longer term the wildlife friendly habitats are increased and extended and appropriate management can be secured through a detailed Landscape Ecological Management Plan (LEMP) and relevant legal controls over the future private management of all shared open space and features on the site.

In addition to the improved and increase habitats proposed as part of the development additional species specific enhancement can be secured by condition as part of the development including provision of suitably located bat and bird boxes, insect hotels, hibernacula for a range of wildlife and hedgehog homes and 'hedgehog' highways across the built form of the development and within the natural-semi-natural open space being provided.

External lighting on proposed new dwellings can be minimised through use of a relevant condition on any planning permission granted so as to protect the local intrinsically dark landscape and the nocturnal and light sensitive species present in the locality.

Additional comments:

It is noted that a "Community Orchard" is proposed - no details have been supplied as to what this orchard will consist of or how it will be managed and the community fully involved and participatory in its use and management. Colwall already has a thriving and nationally exemplar 'Colwall Orchard Group' - and it is requested that a detailed Establishment, Management and Community Involvement Plan is developed in partnership with the established group and supplied for approval by the LPA to ensure that proposed community orchard is locally relevant and can actually be delivered managed, maintained and the local community fully involved for the lifetime of the development.

In compliance with the council's highway design guide and general best practice no thorny or spikey plant species should be planted adjacent to any highway, cycleway or footway or used as boundary features to domestic dwellings for house owner safety.

Any public-highway lighting should utilise fully directional down lighting LED luminaires with a colour temperature <2700K. Ideally streetlights should operate with the 'timed power reduction' across the period of darkness as in operation on the council's own street lighting so as to minimise impacts on intrinsically dark landscape from additional public lighting (if proposed).

Suggested possible conditions:

Ecological Protection and Construction Environmental Management Plan

No longer than twelve months prior to any works or further site preparation commencing a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval. 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 SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Supporting information: The CEMP does not preclude the requirement for the applicant and their contractors to comply with all statutory ecological protection legislation that lies above any planning permission process. The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at [https://www.desiqninabuildinas.co.uk/wiki/Construction environmental management plan](https://www.desiqninabuildinas.co.uk/wiki/Construction_environmental_management_plan)

Landscape Ecological Management Plan

Prior completion of the first dwelling approved under this permission a detailed, comprehensive Landscape Ecological Management Plan to include all shared areas of land and open space - including but not limited to detailed ecological management methods relevant to all habitats and features present; a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years) shall be submitted to the planning authority for written approval. The approved Plan shall hereafter be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EL) 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 SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Nature Conservation - Biodiversity (species) Enhancement

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), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, 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 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) (EL) 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 SSI, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided on any dwelling or building approved under this permission 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) (ED 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 SSI, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency.

4.9 Education comments as follows:

Consultation response dated 3 April 2023

Site: Land to the South of Old Church Road, Colwall, Herefordshire		
Description: Construction of 36 no. dwellings, new vehicular and pedestrian access, internal infrastructure, landscaping, open space; and associated works, including demolition of piggery buildings		
Application No: 230457		
Date application received:	14/03/2023	
Date reply sent:	03/04/2023	
Schools affected:	Colwall Primary School St Josephs RC Primary School John Masefield Secondary School St Mary's RC Secondary School	
Breakdown of Housing:	2+ bedroom flat / apartment 2/3 bed house / bungalow 4+ bed property	36 dwellings- 22 open market 15 x 2/3 bed 7 x 4+ bed
Total Contribution expected:	£211,147	

The educational facilities provided for this development site are Ledbury Early Years, Colwall Primary School, St Joseph's RC Primary School, John Masefield High School, St Mary's RC High School and Ledbury Youth.

Colwall Primary School has a planned admission number of 28. As at the schools autumn census 2022:-

- 2 year groups are at or over capacity- Y4=29, Y6=34

St Joseph's RC Primary School has a planned admission number of 30. As at the schools autumn census 2022:-

- 1 year group was at or over capacity- YR=31

John Masefield Secondary School has a planned admission number of 150. As at the schools autumn census 2022:-

- 4 year groups are at or over capacity- Y7=163, Y8=152, Y9=160, Y10=151

St Mary's RC High School has a planned admission number of 150. As at the schools autumn census 2022:-

- 3 year groups are at or over capacity- Y7=152, Y8=150, Y10=151

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Masefield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Young Peoples Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children

generated by this development. The Children and Young People's contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2 or 3 bedroom house or bungalow	£432	£3,063	£2,695	£121	£850	£468	£7,629
4+ bedroom house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

The schemes that these contributions will be requested for will be determined as the development scale is developed in the event that permission is granted.

4.10 Environmental Health Officer (Contaminated Land) comments as follows:
Consultation response dated 17 March 2023

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

"Proposed Residential Development, Old Church Road, Colwall. Phase I Desk Study Report." Prepared by JJP Geotechnical & environmental Ltd. Dated November 2021, Ref: R-DS-23497-01-00, Rev: 00.

The Preliminary Risk Assessment (Desk Study) considers a Phase II Intrusive Site Investigation should be undertaken to quantify risks and address uncertainties identified. As such, we'd recommend the condition below be appended to any approval.

Recommended Condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) 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
 - b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

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

validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

Technical notes about the condition

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

4.11 Senior Landscape Officer comments as follows:

First consultation response dated 20 April 2023

The site and setting was visited 9th December 2021 for pre-application advice. The site falls within the Malvern Hills AONB and the Colwall Conservation Area. It is highly sensitive in landscape terms. It is noted that the site is allocated in the Colwall NDP, with policy CD7 setting out design principles and the landscape capacity study identifying an area of between low to medium and medium capacity to change.

I welcome the use of the pre-application process, however it would have been preferable for a further stage to have been submitted prior to the application as there are a number of design issues that could have been given further consideration.

The application includes a Landscape and Visual Impact Assessment, which is welcome. There are a few issues, however, where the LVIA does not seem to have influenced the design layout. It is also a shame that a plant palette and hard materials palette have not been provided to support the described landscape strategy. Design and layout concerns are:

- **Old Church Road frontage** – Despite the DAS describing a generous set back, the layout should not encroach into the root protection area of the important oak tree (as per the Tree Officer comments). It does not provide a generous buffer zone away from the adjacent listed building at The Homestead / Grovesend Farm (ideally plots 36 and 35 could be removed). The proposed two storey building (image at DAS 3.13) detracts from the intention for smaller scale buildings at this location.
- **Views** - There is a missed opportunity for a clear view corridor across the site to the distant Malvern Hills. This is identified in the LVIA at figure 8, however is not celebrated in the site layout.
- **Topography** – The street scene is welcome to show the relationship between the existing and proposed levels. Ideally something similar would be created for the public open space area, where the SUDS fit comfortably with the existing contours, however the orchard, play

area and straight path do not. Overlaying this area with the existing contours and better explaining the relationship with the proposals would be welcome.

- **Management and maintenance** – Please clarify the intended management proposals for the street trees. The plan shows them adjacent to front gardens, but there is another line which could imply a management company will look after them, together with the open space areas. This would be preferable, as if conveyed to private properties there is no long term certainty of their retention.
- **Copse** – The proposed woodland copse in the south east corner of the site appears a little out of place and unconnected to the surrounding green infrastructure or site pattern.
- **Pumping station** – Is there any alternative layout solutions that would reduce the size of the building and the extensive access track and turning area? Are the building design and any fencing requirements fully specified?
- **Street scene** – A-A - There seems to be little variation in the house type or spacing, creating a very dense wall of built form, which is contrary to the surrounding settlement pattern which is more ad-hoc, lower numbers in rows of houses with differences in orientation, scale and plot size.

The above comments are provided in relation to Core Strategy Policy LD1 and LD3 in order that the proposed development reflects local character and distinctiveness, and that it will integrate well with the surroundings.

Second consultation response dated 18 October 2023

I have reviewed the new and updated plans, together with the covering letter. I offer the following comments in relation to Core Strategy Policy LD1 and LD3.

There will be a permanent change to the character of Old Church Road due to the introduction of the suburban style vehicle access, trimming of hedgerows for visibility splays and the new proposed footway. This will have the appearance of widening the corridor, reducing the current strong rural character.

The site itself will have a major negative change due to the loss of open agricultural land, replaced with the introduction of housing and associated infrastructure.

The boundary treatment plan (dwg no P21-1738-EN-0017-B-0001 Rev B), is very generic, only stating hard boundary treatment in the key, without specifying whether this is stone wall, brickwall or fence or any detail of height. In particular the public facing boundaries of plots 34, 19, 20, 10 and 11 will need to be carefully designed. This could be addressed by condition.

It is welcome that the full root protection zone of the oak tree on Old Church Road is now free from any development or ground work. It is questioned whether an additional feature tree is required to compete with the oak and new evergreen shrubs should not be planted underneath the oak.

New housing restricted to eastern part of site, adjacent to existing suburban style housing. This means that in long distance views from higher ground, the new development will be seen in the same context as the existing. The provision of open space on the eastern part creates a definite village boundary and means that there is no natural extension of village beyond the site and further to the east.

The open space to the eastern part will be publically accessible and includes a range of biodiversity and amenity features that benefit the community. The additional cross section drawings are particularly helpful to demonstrate how the open space fits with the natural topography and reflects a sense of place.

If the application is to be approved then the following conditions should apply:

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

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. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered.
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009).
- c) A plan showing existing and proposed finished levels or contours.
- d) A drawing detailing hard surfacing materials.
- e) Detailed construction drawings of the proposed play area with seating and viewing platform.
- f) Boundary treatments and means of enclosure.
- g) Artefacts and Structures e.g. street furniture, street lighting.
- h) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- i) A plan detailing the integration of the water attenuation schemes with the POS.

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.

Third consultation response dated 7 December 2023

Thanks for consulting me again on the additional information for the above application. I have reviewed the Legal Opinion of Thea Osmund-Smith and the Addendum to the Planning Statement. I have no further landscape comments to make.

Fourth consultation response dated 16 April 2024

I have reviewed the Arboricultural Technical Note (dated March 2024) and Appendix J – Potential Off-site Highway Works in the Transport Statement (March 2024).

As stated in my previous comments (18/10/2023), there will be a permanent change of character to Old Church Road due to the highway alterations. It is noted that the off-site works will be to a garden hedgerow affecting the properties of Grovesend and Burleigh, rather than a countryside hedgerow. I accept the assessment in the arboricultural note that "...the hedgerow retains access to sufficient soil volume under the proposals to support its current health and outlook." And that it is "...within the capacity of the hedgerow to tolerate..." the proposed changes.

As also suggested a condition could be attached to an approval to provide added technical detail in the form of a construction method statement and on site clerk of works, in order to further mitigate the risk of adverse impacts during installation.

4.12 Lead Local Flood Authority (Land Drainage) comments as follows:

First consultation response dated 16 May 2023

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

- Application for Planning Permission;
- Location Plan (Ref: PL001 Rev A);
- Existing Site Plan (Ref: PL002 Rev A);
- Existing Topo Survey (Ref: PL003 Rev A);
- Proposed Site Plan (Ref: PL004 Rev Q);

- Design and Access Statement – Part 1 (Ref: ZEB 1622 Rev C);
- Design and Access Statement – Part 2 (Ref: ZEB 1622 Rev C);
- Planning Statement (Ref: P21-1738);
- FRA and Drainage Strategy.

Site Location

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



Overview of the Proposal

The Applicant proposes the construction of 41 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

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.

However, as the proposed development 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

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

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route

Figure 2: EA Surface Water Flood Risk Mapping, May 2023



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm. We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route (see Figure 3). Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. An area of corrugated iron overlain with concrete was encountered onsite whereby, beneath it, it was clear that there is capacity for water to flow within the culvert (Figure 4). The land to the north of the flow route slopes to the south, and the land to the south of the flow route slopes north to form a valley-like topography. In the event of heavy rainfall, run-off will enter the culverted land drain and it is highly likely that this would form a stream-like feature. Groundwater could also be draining into the land drain via pipe joints. This is clearly demonstrated within the topographical survey.

Figure 3: As-Built Drawing showing route of existing storm drain



Figure 4: Site photos of culverted land drain indicated by an area of corrugated iron overlain with concrete, and an indication of its location with regards to the surface water flow route.



The Drainage Strategy drawing (Figure 5) shows that surface water would not track along the lowest ground; this detail needs to be corrected to accurately demonstrate the flood risk to the proposed dwellings.

Figure 5: Drainage Strategy drawing showing incorrectly mapped surface water flow route.



Under the current arrangement any surface water not conveyed into the land drain tracks across the field at the lowest point. The runoff will follow the same alignment if the site is developed. Homeowners will need to be aware of the presence of the surface water runoff route, otherwise features may be installed that may interfere with the flow of water.

Overall, it is not evident within the Flood Risk Assessment that full consideration has been given to the flood risk posed to the development associated with this surface water flow route. We are not confident that raising the finished floor levels by 150-300mm (as proposed) would be sufficient mitigation. The runoff is likely to cause a nuisance to residents unless some provision is made to convey the runoff.

We require evidence showing that further consideration has been given to the provision of adequate flood mitigation measures for the site is required whereby the impacts to both highways and dwellings are fully analysed. It will be necessary to reconfigure the site layout to ensure that the mapped surface water flow route through the natural topographical low points of the site is not impeded to deflect risk elsewhere across the site. We strongly advise that the culverted land drain is reinstated as an open feature to reduce the risk of surcharging in close proximity of the proposed dwellings and their associated gardens. This will also ensure that the presence of the surface water drain is known to all residents.

Other Considerations

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

Surface Water Drainage

The proposed developable area is 2.404ha. No infiltration testing has been undertaken at the site; therefore, the ground conditions remain unknown. Despite this, it has been assumed that the site would not support soakaway drainage hence the proposals for three attenuation basins.

In line with the NPPF drainage hierarchy, a surface water discharge to ground must be prioritised before alternative solutions can be considered. Therefore, site specific infiltration testing must be undertaken in accordance with BRE 365 to determine whether a surface water discharge to ground is viable. Should this be the case, a revised surface water drainage strategy will be required which comprises infiltration features. Should infiltration testing fail, the proposals involving attenuation with a limited offsite discharge the watercourse south of the site would be acceptable. We are unclear why three attenuation basins are proposed. A single attenuation basin, with one restricted discharge is preferred to minimise future maintenance issues and reduce the risk of blockage within the pipes.

The private surface water drainage infrastructure will be the responsibility of the associated landowner. The ownership, maintenance and/or adoption arrangements for the shared infrastructure remain unclear and should be clarified.

Foul Water Drainage

We understand that Severn Trent are undertaking internal enquiries to determine whether a connection to the public sewerage system can be accommodated. A Type 3 Pumping Station is shown to be required to achieve the proposed foul water connection to the public sewerage system. It is unclear whether the foul water drainage system is proposed to be adopted.

Overall Comment

We recommend that the following information is provided prior to planning permission being granted:

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

- Submission of a revised Flood Risk Assessment which fully acknowledges the surface water flow route across the centre of the site associated with a culverted land drain. The above advice should be considered, and the site layout reconfigured appropriately.
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Submission of a revised surface water drainage strategy in line with the above advice.
- Evidence of acceptance from Severn Trent for the proposed foul water connection to the public sewerage system.
- Clarification of the adoption/ownership proposals for both the surface and foul water drainage system.

Second consultation response dated 31 August 2023

We have reviewed the additional information provided for the above site and have the following remarks/queries:

Highways:

- Please clarify the proposed adoption/ownership/maintenance arrangements for the proposed highways on the site.

Surface Water Drainage:

- We understand that the surface water drainage system is proposed to be adopted by Severn Trent. No evidence of discussions with Severn Trent regarding the surface water drainage system has been presented. Evidence of this must be provided.
- Please can the Applicant/Agent confirm whether the length of pipework between Attenuation C and the upper hydrobrake can be adopted; we understand that Severn Trent have declared the base of attenuation ponds are regarded as sewers.
- The upper hydrobrake located downstream of basins B & C must be fitted with an overflow weir above the maximum water level for a 1 in 100yr + 40% CC event (116.5mAOD) to accommodate excess surface water in extreme weather events or should the system become silted up/blocked.
- The lower hydrobrake located downstream of basin A must also be fitted with an overflow weir above the maximum water level for a 1 in 100yr + 40% CC event (115mAOD).
- In line with Sewers for Adoption, the 375mm diameter pipe discharging to Attenuation Basin 'B' will need to be fitted with a security grill; will this arrangement still be adopted by Severn Trent.
- Please confirm whether trash screens will also be fitted to the basin pipework.

Culverted Land Drain/Surface Water Flood Risk:

- We understand that part of the existing culverted land drain is proposed to be replaced and diverted as part of the proposed development. The entire length of existing culverted land drain crossing the site should be replaced as part of the development. A manhole should be constructed on the western edge of the site to allow for future inspections and maintenance works prior to the drain leaving the site boundary.
- The replacement land drain pipework on the eastern area of the site appears to cross between Plots 5 and 6; this should be realigned to solely be laid in one plot (presumably Plot 5). The manholes should be sited as close to the plot boundary as possible. Should the adjacent highway be adopted, the manhole located near the driveway/parking area of Plot 5 should be relocated to the edge of the highway.
- Please confirm the proposed pipe diameter for the replacement land drain. Upon the clarification and provision of the above details, we will look to amend our formal consultation response.

Third consultation response dated 25 January 2024

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation response in May 2023:

- AMENDED Proposed Site Plan – July 2023 (Ref: PL004 Rev W);
- Drainage Strategy – provided via email on 29.09.23 (Ref: C002 Rev H);
- ADDITIONAL Pumping Station Vignette – July 2023 (Ref: P21-1738_EN_0015_A_0001 V4);
- ADDITIONAL Design and Access Statement – Addendum – July 2023 (Ref: Zeb 1622 Rev B);
- AMENDED FRA and Drainage Strategy – July 2023 (Ref: 21-0388 Rev 3);
- AMENDED Illustrative Landscape Masterplan – July 2023 (Ref: P21-1738_EN_0005_D_0001 ILMP);
- ADDITIONAL Amend Submission Cover Letter – July 2023 (Ref: P21-1738 LOO2V1);
- UPDATED Drainage Engineers Response 11.8.23 (Ref: 21-0388 Rev 01);
- AMENDED Planning Statement – November 2023 (Ref: P21-1738/R006 – R001v3);
- Email update to Applicant 18.10.23;
- Email sent to PC – Consultation Ending 15.1.24.

Site Location

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



Overview of the Proposal

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

Flood Risk

Fluvial Flood Risk

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

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.

However, as the proposed development 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

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

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited up gradient of the ordinary watercourse.

Surface Water Flood Risk

Review of the EA’s Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

Figure 2: EA Surface Water Flood Risk Mapping, May 2023.



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

Other Considerations

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

Surface Water Drainage

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m³ at a depth of 1.2m. A 110mm diameter

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

HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m³ at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m³ at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes are shown too low to accommodate the overflow weir. The concrete lid needs to be raised sufficiently to allow the overflow to operate with additional space for the cover and bricks. **The Drainage Strategy drawing (Ref: C002 Rev H) must be amended accordingly before planning permission is granted for reference during construction.**

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

Foul Water Drainage

We understand that Severn Trent are undertaking internal enquiries and carrying out in-depth modelling to determine whether a connection to the public sewerage system can be accommodated. The Applicant is in discussion with Severn Trent regarding these issues and these must be resolved prior to planning permission being granted.

A Type 3 Pumping Station is shown to be required to achieve the proposed foul water connection to the public sewerage system.

Overall Comment

We recommend that the following information is provided prior to planning permission being granted:

- Submission of a revised drainage layout drawing in line with the above advice regarding the HydroBrake manholes.

Fourth consultation response dated 22 February 2024

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation responses in May 2023 and January 2024:

- AMENDED Drainage Strategy – provided via email on 20.02.2024 (Ref: C002 Rev K).

Site Location

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



Overview of the Proposal

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

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.

However, as the proposed development 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

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

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern

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

site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

Figure 2: EA Surface Water Flood Risk Mapping, May 2023.



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

Other Considerations

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

Surface Water Drainage

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m³ at a depth of 1.2m. A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m³ at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m³ at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

Foul Water Drainage

In email correspondence from Severn Trent, it is stated that, from the results of their assessments they object to this application.

Until the above issues with Severn Trent have been resolved to facilitate the foul water connection from the site to the public foul sewer, we cannot accept the foul water drainage proposals. Please note that for a development of this size, there are no alternative foul water discharge options other than a connection to the public sewerage system. This must be resolved prior to planning permission being granted.

Overall Comment

We can confirm that the surface water drainage proposals are technically viable, and we do not require any further details regarding these prior to planning permission being granted.

However, please note the above remarks in the Foul Water Drainage section

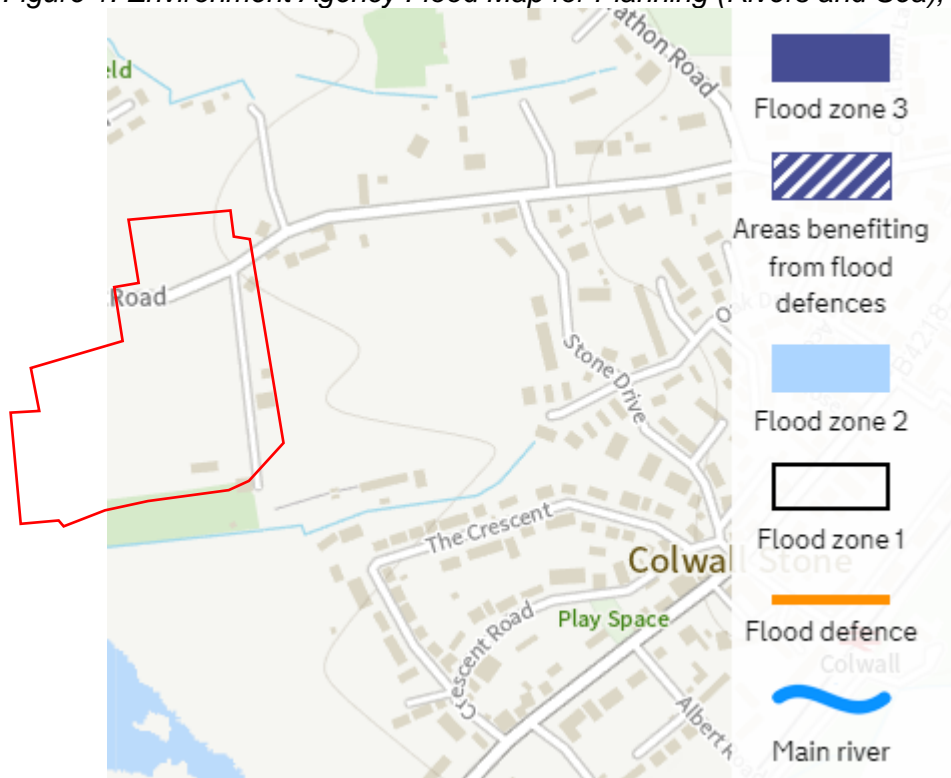
Fifth consultation response dated 9 April 2024

Our knowledge of the development proposals has been obtained from the additional sources provided following our previous consultation responses in May 2023, January 2024 and February 2024:

- AMENDED Severn Trent Comments (March 2024) – dated 19/03/24.

Site Location

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



Overview of the Proposal

The Applicant proposes the construction of 36 dwellings, public open space, SuDS and associated works. The site covers an area of approx. 4ha and is currently an agricultural field. An ordinary watercourse flows along the southern boundary of the site. The topography of the site slopes down from the northeast (127.25m AOD) to the southwest (114.48m AOD) by approx. 13m.

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.

However, as the proposed development 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

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

The Flood Risk Assessment confirms that the site is solely located within Flood Zone 1 and is at low fluvial flood risk. The FRA acknowledges that the watercourse which flows along the southern site boundary is culverted upstream, which is stated to restrict flood flows. The open channel will have capacity to direct high-risk flows past the site. All dwellings are to be sited upgradient of the ordinary watercourse.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.

Figure 2: EA Surface Water Flood Risk Mapping, May 2023.



The overland surface water flow route across the centre of the site has been acknowledged within the FRA. It is stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm.

We are aware of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. Upon visiting the site, it is clear that the landowner has created a culverted land drain across the site in the same location of the mapped surface water flow route; this is within the red line site boundary. A CCTV survey of this feature has been completed which found the existing pipe to be in poor condition; sections of the drain had collapsed, there were large joint displacements and notable sediment deposits causing loss to cross-sectional area. Parts of the survey had to be abandoned also.

Following discussions with the Applicant/Agent, it was agreed that the full length of this land drain within the site will be replaced. An Ordinary Watercourse Flood Defence Consent (Ref: 23-12: 230457) has been granted for these works.

The route of the existing land drain will be altered within the proposed development. The upstream, eastern section of the drain will be laid solely within Plot 5 to minimise future access issues for maintenance works; the double garage for Plot 5 has been removed and the fence line amended as necessary. The following section of drain will be laid within the proposed highway and then across the proposed green space to the west of the site.

The Drainage Strategy drawing (Ref: C002 Rev H) now shows that surface water would track along the lowest ground; the proposed development highway has been designed to follow this route.

We note that the finished floor levels will be raised by 150-300mm above the proposed ground levels.

Other Considerations

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

Surface Water Drainage

The proposed developable area is 2.404ha.

Infiltration testing has been undertaken at the site a trial hole was excavated to 1.5mBGL. The hole failed to drain therefore a surface water discharge to ground is not viable.

We note proposals for three attenuation basins with a single limited offsite discharge to the watercourse located to the south of the site. We now understand that three basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A).

The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A.

The surface water from the proposed development will initially discharge to online attenuation basin 'B'; this basin has a total storage volume of 240m³ at a depth of 1.2m. A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage. Basin 'C' has a total storage volume of 280m³ at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m³ at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary.

We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.

It has been clarified that all surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

Foul Water Drainage

We note that a foul pumping station is proposed, built to adoptable standards and located to allow tanker access.

Severn Trent have provided further comments reiterating their concern regarding the impact of the development on their own sewerage system. However, they state that they have a low level of confidence in the hydraulic model used to inform their study. As such, they demonstrate intentions to undertake further work to develop the model to improve the level of accuracy however it is noted that this may take some time. This in turn may demonstrate the quantum of any impact the development may have.

Severn Trent have concluded that they cannot currently substantiate their objection. They have requested that should the development be approved, they would be satisfied or a condition to be applied.

As such, we can remove our objection regarding the foul water drainage proposals given that a connection to the Severn Trent public foul sewer will be accommodated.

Overall Comment

We do not require any further details prior to planning permission being granted

4.13 Local Highway Authority comments as follows:

First consultation response dated 10 May 2023

The local highway authority (LHA) has the following comments:

- The LHA is accepting of the proposed footway plans along Old Church Road between the site and Stone Drive as it would enable more vulnerable residents who may not be confident to walk in the carriageway to access the rest of the village on foot. However, the footway should be delivered via S278 rather than S106.
- The access is designed as per our Highway Design Guide and provides visibility splays that are in correlation with the results of the speed survey. Therefore the access is considered to be acceptable.
- Visibility splays of 2.4m x 33m should be provided at all internal junctions.
- 2m x 2m vision splays should be provided at all driveways as it is noted that planting appears to be adjacent to the driveways which may hinder visibility, nothing over 0.6m in height should be placed within the splays.
- The whole of the area within the forward visibility splay on the bend will have to be adopted, therefore the line of the footway should follow the edge of the visibility splay.
- It is noted that a 2.5m strip of planting is provided alongside the eastern footway/cycleway through the site. The LHA will not adopt this area.
- All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied if Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

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

It is noted that the 2.5m wide footway/cycleway terminates at the south-western edge of the site where it meets footpath CW30. In order not to preclude the future development of a footway/cycleway towards the school the stretch between the termination of the site footway/cycleway and the edge of the land to the south (assumed to be in separate

- ownership), as shown in yellow below, should be a 2.5m tarmac surfaced path and be included within the red line.



- The LHA would only wish to adopt the footways alongside the main carriageway through the site and the additional one highlighted on the plan below. All other footways will remain private.



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>

Second consultation response dated 10 May 2024

Following an on-site meeting with the Applicant's Team and a further topographical survey being undertaken revised plans for the proposed footway on Old Church Road have been produced. The south-western part of the footway scheme remains at 1.2m, however, following the revised topographical survey a footway of only 0.9m in width is achievable to the eastern end in the vicinity of Stone Drive. Whilst this is narrower than the local highway authority would have preferred it is still considered to be an acceptable width to accommodate wheelchair users as stated within Manual for Streets. It is accepted that the majority of residents from the site would be comfortable walking in the carriageway of Old Church Road given it's lightly trafficked nature, even with the additional traffic generated by the development. However, a site should be accessible for all users and therefore the inclusion of a footway helps to facilitate vulnerable users to access the services within the village.

The local highway authority has no objection to the application subject to the inclusion of the below conditions.

Conditions: CAB (as per drawings SK01 Rev D and SK06 Rev E by Rappor), CAD (no access gates), CAE, CAH, CAJ, CAP (footway along Old Church Road as per drawing SK05 Rev C by Rappor), CAT, CB2

Informatives: I11, I09, I45, I08, I07, I05, I43, I49, I54, I51, I47, I35

4.14 Open Spaces Planning Officer comments as follows:

Consultation response dated 31 May 2023

Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies for the provision of open space arising from this development are relevant.

National Planning Policy Framework (NPPF):

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy(CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

Evidence Base and standards (on and off site)

- Herefordshire Open Space Study 2006: Current recommendations:
 - POS standard quantity of 0.4ha per 1000 population.
 - Children's Play standard quantity of 0.8ha or which 0.25 per 1000 population should be formal equipped play (as per Fields in Trust Guidance)
- Herefordshire Open Space Assessment 2023 (Final Draft) Recommends
 - Natural England green infrastructure quantity standard of 3ha of accessible greenspace per 1000 of the population

- Fields in Trust formal equipped play standard quantity of 0.25ha per 1000 population
- Football Foundation: Local Football Facility Plan for Herefordshire (LFFP):
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Fields in Trusts sports provision of between 1.2 and 1.6 ha per 1000 population

Open Space Policy Requirements: In accordance with CS policies OS and OS2 requirements for open space, sport and recreation facilities will be sought from all new residential development on a site by site basis in accordance with all applicable set standards and evidence bases.

Where on-site provision is not appropriate off-site contributions may be sought on an equally beneficial basis for the local community

On/Off site POS Standard Requirements: Given the size and location the development on site provision for children’s play and POS is supported. An off-site contribution will also be sought towards outdoor sports provision in lieu of on-site.

Using the current standards as set out above, for 36 houses at an occupancy of 2.3 (total population 82.8) the following is required:

- The developer provides a minimum of 0.99 ha (990sq m) of on-site green infrastructure comprising;
- 0.033ha (330sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.066ha (660sq m) of Children’s Play (@ 0.8ha per 1000 population)
- Of which 0.021 ha (210sq m) should be formal children’s play. (@ 0.25ha per 1000 population).

An off-site contribution towards Outdoor Sports will also be sought based on the equivalent on-site provision of:

- 0.13ha (1300sq m) of Outdoor sports @ 1.6ha per 1000 population:

Detail set out below.

Going forward, although still in draft, the 2023 Open Space Assessment recommends that on-site POS should be multi-functional, to offer a range of recreational features both formal and informal and which supports the wider Green Infrastructure network. This can include amenity greenspace, natural and semi natural greenspace, green corridors and children’s play. The recommended standards set by Natural England and Fields in Trust are shown above. Whilst it is acknowledged that the assessment is still in draft, none the less the aspiration remains the same.

On Site POS Provision – Proposed site plan: Drawing no. PL004 Rev Q: Proposed site plan, Old Church Road shows large areas of on-site multifunctional POS running along both the western and southern boundaries. Although no details are provided of the size, it looks to be in excess of current policy requirements and as such the approach is supported.

It proposes integrated POS, children’s play area, SuDs Ponds, community orchard and pedestrian/cycle links to the existing PROW in the SW corner on one site. In addition the open space protects the existing heritage assets and the redundant tramlines and provides a buffer along the southern boundary. The play area, viewing platform and community orchard are located within the western region of the open space as described in the supporting Design and Access Statement. The land looks to rise from south to west which should be taken into account when designing the play area.

Children's Equipped Play (Formal): It is noted that the location of the play area is now within the main area of POS to the west. At pre-application stage it was shown to be separate which was not ideal. The new location is supported. The co-location will bring benefits of integrated

informal and formal recreation along with natural play opportunities whilst being accessible and offering natural surveillance.

To ensure parity across all developments which require on-site play a cost value is provided below. This is calculated on the size of the development (excluding 1 bed) and in accordance with the SPD on Planning Obligations play tariffs and development costs only @ 50%. Therefore for:

15 x 2 bed @ £965
13 x 3bed @ £1640
8 x 4+ bed @ £2219

We would therefore expect the on-site play provision to be of a value of approximately **£27,000**
The play area costs include groundworks, landscaping, ancillary features such as benches, pathways etc

The play area scheme will need to be approved by the planning authority and include details of provision as set out below and the applicant will need to demonstrate the minimum cost has been met.

- a detailed location plan,
- layout,
- equipment list (with suppliers and part numbers),
- details of safety fencing (if applicable),
- safety surfacing,
- information on signage,
- seating and litter bins

Recommend condition and informative

- **CA6: Details of play provision**
- **Informative.** On-site children's play provision: We would expect the play area to be of the value **£27,000** in accordance with the SPD on Planning Obligations and the size of the development.

SUDs: The SuDs attenuation basins are included as part of the multi-functional open space and this is supported. However, the applicant will need to demonstrate that appropriate gradients have been met in support of the health and safety of standing water. Plans submitted as part of the landscape scheme should demonstrate that appropriate gradients can be achieved where appropriate.

There does not appear to be any landscape plans submitted.

Recommend condition

It is recommended that submission of plans should be conditioned accordingly and submitted as part of the landscape scheme. They should demonstrate that appropriate gradients can be achieved where appropriate. .

Adoption and Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

There does not appear to be a maintenance or management plan

Recommend condition

It is recommended that submission of details of the Management Company should be conditioned accordingly and submitted as part of the landscape scheme. This should include a written scheme detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

Off-Site Outdoor Sports Contribution: An off-site contribution will be sought in accordance with the evidence base set out above and CS policies OS1 and OS2. It is noted in the draft Heads of Terms prepared by Pegasus and submitted with the application, that there no reference to off-site contribution towards sports.

The Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023 indicates that there is no requirement for additional sports land in Colwall, but existing facilities at both Colwall Cricket Club and Collwall Football Club would benefit from improvements to ensure the sustainability of the clubs in meeting both existing and future needs as set out below.

The Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023 indicates that there is no requirement for additional sports land in Colwall, but existing facilities at both Collwall Cricket Club and Collwall Football Club would benefit from improvements to ensure the sustainability of the clubs in meeting both existing and future needs as set out below.

Current Status	Recommended Actions	Priority	Aim
<p>Colwall Cricket Club: Two good quality squares. Square one consists of 12 senior wickets and two junior wickets. Square two consists of ten senior wickets and two junior wickets. Ancillary facilities of standard quality. Square one's senior wickets have spare capacity of 21 MES per season, its junior wickets have spare capacity of four MES per season. The Senior wickets have actual spare capacity to accommodate further teams on Sundays and midweek. Whilst the junior wickets do not have enough spare capacity to cater for any further growth. Square two's senior wickets have spare capacity of 21 MES per season. Whilst the junior wickets are overplayed by four MES. Senior wickets have actual spare capacity to cater for teams on Saturday, Sunday and midweek.</p> <p>Colwall CC suggests that in the coming years it plans to redevelop its clubhouse. There are no drawn plans at present, and the Club is currently unsure whether it is looking to use the same structure or to look at a rebuild of the clubhouse. In addition, the site currently has no car parking, which has become a significant</p>	<p>Sustain square quality with appropriate levels of maintenance.</p> <p>Explore the opportunity to complete plans to develop and improve ancillary provision on site.</p> <p>Support Colwall CC in its search for land for car parking.</p>	<p>Medium Priority, Medium Timescales</p>	<p>Protect Enhance Provide</p>
<p>issue but due to lack of land on the site, it is unlikely that this issue can be solved. The Club suggests that if a small patch of land close to the site could be secured then this would likely be the ideal scenario for a car park.</p>			
<p>Colwall Football Club: One adult pitch of poor quality. No dedicated ancillary provision. Adult pitch has potential spare capacity, which is discounted due to poor pitch quality.</p>	<p>Look to improve pitch quality with enhanced levels of maintenance.</p> <p>Explore the opportunity to improve the ancillary provision onsite.</p>	<p>Low Priority Low Timescales</p>	<p>Protect Enhance</p>

Contributions are calculated using the following methodology for rural parishes:

- A square meter rate of £27.28 is used in rural areas. This is based on the figure used to inform both the SPD planning obligations and the Infrastructure Delivery Plan for the Core Strategy.
- A 35% reduction is made as off- site contributions are based on market housing only:
- For this application in accordance with the policy requirements, provision should be equivalent to 0.13ha (1300sq m) based on 1.6ha per 1000 population.
- Using the rate of £27.28 and based on market housing (at 65%) only this equates to **£23,051**

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

4.15 Public Right of Way (PROW) Development Officer comments as follows:

First consultation response dated 15 March 2023

No objection to the dwellings. However, there is a proposed cycle/footway linking to public footpath CW30. This is only a footpath so it would NOT be acceptable for cycles to exit on to it.

Second consultation response dated 8 August 2023

No objection to the dwellings. As previously stated, CW30 is a public footpath so it would not be acceptable for cycles to exit onto it.

4.16 Strategic Housing Manager comments as follows:

First consultation response dated 14 March 2023

Thank you for allowing me the opportunity to comment on this full planning application. The applicant is providing 40% affordable housing in line with Policy H1 of the Core Strategy. This application also meets Policy SS2 Delivering new homes.

The proposed tenure, house types which include bungalows and houses and the unit mix of 2, 3 and 4 beds are acceptable to Strategic Housing and conforms to policy H3 of the Core Strategy and Colwall's NDP.

I acknowledge that the applicant has not provided one bed units as these are not sustainable in rural locations. The applicant is providing First Homes which will have a 30% discounted off the open market value and will be available to first time buyers with a local connection to Colwall. The applicant is also providing a wheelchair accessible bungalow to meet a proven need. This site is an allocated site within Colwall NDP.

I would look for the affordable units to be secured within a S106 and allocated to those with a local connection to Colwall in the first instance.

Finally, notwithstanding the above, the affordable housing units are small and do not meet the minimum standards as outlined in the Technical housing standards – nationally described space standard. As such I am unable to fully support this application and would look for the applicant to increase the affordable housing unit's sizes in line with the Government standards.

Second consultation response dated 17 August 2023

I would advise that I have reviewed amended proposed site plan Rev W, July 2023 with regards to the increased space, as per the technical standards in relation to the affordable housing.

I can confirm that Strategic Housing is now happy to remove its objection subject to a condition that if any planning permission is granted it will be subject to the revised plans as above.

4.17 Tree Officer comments as follows:

First consultation response dated 31 March 2023

Unfortunately I am unable to support the application in its current form because of the constraints it puts on the mature Oak tree which is protected by a Tree Preservation Order.

This tree, ref T43 in the accompanying tree report is threatened by the access road for three dwellings on the southward side. The radii of the root spread is 14.4m, the access is located 8m from the tree.

The tree report does provide mitigation in the form of 'no dig' construction to avoid excavations and soil compaction. However, the report request: "Ensure that finished floor level of three plots south of T43 are elevated to allow for extra height of minimal-dig drive and parking areas. (About 200mm above surrounding ground level.)"

None of the drawings show that this has been taken into account.

If the 'No dig' design of the access road is not acknowledged by the applicant then there is a reasonable assumption that the extent of root damage to the tree could result in its demise.



My preference would be for the access road be pulled further south to avoid the need for 'no dig' and damage to the tree.

Development resulting in the damage to an important tree can justifiably be seen as non-compliance of policies SS6, LD1, LD2 & LD3.

Second consultation response dated 6 November 2023

The amendment to the proposed layout – PL004 Rev W – now moves development away from the mature Oak tree, T43.

Accordingly my initial objection no longer stands.

I would however require the tree protection proposals provided in the tree report are secured via a planning condition.

Condition.

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 residential development.

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.

4.18 Other Consultation Responses

4.19 Herefordshire Amphibian and Reptile Team comments as follows:

Consultation response dated 20 April 2023

The area proposed for this 36-house development is part of one of Herefordshire's few Conservation Areas and is in the Malvern Hills AONB.

HART notes that the Ecology Report submitted with the application is clearly not using up to date information, particular concerning species present in and close beyond the boundaries of the site. Protected species, not least the Great Crested Newt, but also other threatened amphibians (Toad, Palmate and Viviparous Newt) and reptiles (Slow-worm and Grass Snake), are not mentioned, except in the context of the lack of standing water on the site and hence unsuitable habitat for the Great Crested Newts. There are two ponds in the garden of a house in Stone Drive and one in Stone Close adjacent to the boundary of the site. In the former there is evidence of Great Crested Newts breeding year on year (eggs and young) in a pond just yards outside the boundary in a garden and would use the site as a corridor to other ponds in the vicinity, like the one at the end of Stone Close where the Great Crested newts have also been seen and photographed, again close to the site boundary and nearby Colwall Village Garden. Similar considerations apply for the other species mentioned above. The records are lodged with the Herefordshire Biological Records Office and available if the Consultant firm had asked for them, which we understand they did not.

Other wildlife seen in the adjacent garden includes **redacted**, fox and otter, all of which came in or went out under the fence between Grovesend Field and the garden. There is a brook flowing down from the hills which is around 750m away at its nearest point. There are a lot of mature gardens close by the site, and a narrow strip of derelict Victorian industry – such brownfield sites support good wildlife numbers.

Below is a table of species recorded in recent years.

We also note that the map of Herefordshire's Special Wildlife Sites is out of date – there are more sites now than the report's map suggests. It suggests a less than thorough ecological assessment of the value of the site and its immediate environment, where wildlife would be using the site as part of their terrestrial habitat and corridors to other favourable habitats.

These habitats deserve our proper and reasonable protection. Any development of this scale should consider this evidence of wildlife presence seriously and mitigate appropriately in the eventual level of housing and surrounding landscaping.

We would expect that there would be planning gains required which would give real positive gains to enable present wildlife to continue to flourish and link across the wider landscape. This survey undertaken on the proposed development has played down any likelihood or presence of these species.

Below is a list of some of the key species recorded. Many of these records have already been lodged with the HBRC. This gives plenty of evidence reflecting the value of the wider landscape, including the field and further afield, which is the home range habitat of many species resident or actively using the gardens such as amphibians, reptiles, and mammals such as the **redacted**.

Given this site is a special Conservation Area and part of the Malvern Hills AONB, careful consideration is needed as to the preservation and enhancement of the area's character and

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

appearance. The proposal of a big estate of similar houses would seem to be out of character with the Conservation Area.

We would expect any development to consider the wildlife and ecology seriously and mitigate appropriately in the eventual level of housing and surrounding landscaping - fewer hostile areas of concrete, tarmac and high curb sides and no open drains which potentially lead to migratory amphibian mortalities.

We hope the following would be well considered:

- a) Inclusion of an environmentally well-designed long-term habitat creation scheme with cover vegetation planting, wildlife pond or ponds and safe corridor provision on and off site that would be sensitively maintained long term and not end up as a short-mown recreation and dog walking and exercise area as can often be the case.
- b) Less transient species would become isolated and vulnerable to localised extinctions as result of a poorly conceived development. Species currently noted in the area are vulnerable to increased anthropogenic pressures and roaming pets such as domestic dogs and cats - herptiles, birds and small mammals particularly susceptible.

Species Recorded in Recent Years:

In the last few years, the following observations have been made in gardens in Stone Drive, some with a tracker camera mostly located near and around one of the ponds. Many of these species listed below would use the proposed development site for foraging and for travel between their dwelling places.

Species	Comment
Great Crested Newt	Adults; egg laying noted each spring; juveniles later in the year
Smooth Newt	Common each year in the pond
Common Frog	Frog spawn every year, and a few frogs around the garden over the year
Common Toad	A few seen in the garden in previous years
Slow-worm	Resident and breeding – use the compost heaps all the time. Young each year.
Grass Snake	Resident – less often seen but also use the compost heaps
Otter	Caught on the tracker camera once – recently in March Looks like it enters through the [redacted] gap under the fence. The field is on the route to/from the brook, where it has also been seen (Colwall Orchard Group)
Fox	Seen in the garden/frequently caught on the tracker camera
Water Shrew	July 2017
Bats	Fly regularly over the fields and adjacent gardens. Only species noted is the Pipistrelle but there may be others. Probably resident in the adjacent semi-derelict buildings and the mature trees surrounding the site.
Moths	Over 520 moth species have been recorded here and another 280 at the Colwall Orchard Group’s site 500m down the road
Many of the usual garden birds. ALSO:	
Kingfisher	Has been seen visiting the ponds on 2 occasions

Woodcock	Caught on the tracker camera on 9 December 2021 (1 st record)
Heron	Regular visitor in spring - eats the frogs
Mandarin Duck	Pair regularly visit in the spring each year
Grey Wagtail	Summer visitor to the ponds – juveniles
April 2023	

4.20 Herefordshire Ramblers comments as follows:

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

Consultation response dated 30 March 2023

No objection.

4.21 Malvern Hills AONB Unit comments as follows:

First consultation response dated 21 April 2023

Thank you for consulting us on the application above. The site lies within the Malvern Hills Area of Outstanding Natural Beauty (MHAONB), an area designated for its outstanding national landscape. As per paragraph 176 of the NPPF (July 2021), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which has the highest status of protection in relation to these issues, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within this designated area should be limited.

You will be aware of the MHAONB Management Plan 2019-2024. This sets out the vision for the MHAONB and the priorities for its management over a 5-year period. It is a statutory document of the relevant local authority under Section 89 of the Countryside and Rights of Way (CROW) Act 2000, and a material planning consideration in decision-making.

The MHAONB Partnership, in addition to the statutory Management Plan, has also published significant advice and guidance, including documents on Landscape Strategy and Guidelines, Guidance on how Development can respect Landscape in Views, Guidance on Identifying and Grading Views and Viewpoints, Guidance on Building Design, and Guidance on Use and Selection of Colour in Development (<https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>). Delivering against the guidance contained within these documents will also assist public bodies in their statutory duties to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.

Principle of Development

The area surrounding Colwall Stone and Colwall Green has been subject to a detailed Landscape Sensitivity and Capacity Assessment (LSCA), undertaken as part of developing the 'made' Colwall NDP. This assessment concludes the application site as having a 'Between Low to Medium and Medium' Landscape Capacity (Reference: Site 12A of Figure 1 of 'made' Colwall NDP (2021)). The study shows that aspects of this site proposed for new residential development are of a moderate landscape sensitivity, while the parcels of land which form part of the site identified for green infrastructure (Site 12B), are of high to moderate landscape sensitivity.

We acknowledge the LSCA findings undertaken for the Colwall NDP in that the site under consideration has the potential to be able to accommodate new development, without unacceptable adverse landscape and visual impacts, or compromising the values attached to it, provided it takes account of appropriate mitigation. This is noting that the site is located north-west of the centre of the settlement and has important views into and out of the village, as well as from the Malvern Hills themselves (see Map 7 of made Colwall NDP).

Although visible from several summits across the Hills, it is an understandable choice for development based on the LSCA conclusions, being on the edge of the main part of Colwall village and partially enclosed by existing built form to the east and south. Nevertheless, landscape & visual impacts, density, siting, layout and design of built form must respect and reflect the existing local settlement pattern, vernacular and sense of place. Furthermore, parts of the site are important Green Infrastructure assets and need appropriate consideration.

Landscape & Visual Impacts

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

Landscape Sensitivity of the application site appears to vary from High to Moderate largely due to its close association with the highly sensitive historic sector of Colwall village and the Upper Colwall/Colwall Stone Conservation Area. The site is visible from the Malvern Hills' ridge and from properties on its boundaries. It is partly screened by the hedgerows on the eastern side of the PROW in summer, it is visible from PROW to the west and south.

Landscape Value is considered to be between High to Moderate. Being within the Upper Colwall/Colwall Stone Conservation Area, the site forms part of the green open space to the north and west of the residential area at Colwall Stone and is part of the setting of Colwall's Victorian industrial heritage. A well-used public footpath and hedge along the track to the west appears to also form a clear edge to the natural built form of the village, aside from the sporadic agricultural building and dwelling.

The analysis and subsequent assessment process assumes that the proposed development will be a development of high-quality, responding to the context of the Malvern Hills AONB, and consequently positively responding to the various guidance in terms of design (for example, highways, materials, lighting etc). Notwithstanding this detail, it is anticipated that the main cause of landscape and visual impacts will be predicated on the change from the greenfield nature of the site currently, and a change to one of built form; more detailed considerations in terms of materials, colours, finishes will influence this to a greater to lesser degree, but are more likely to 'minimise' impacts rather than avoid them altogether.

We note that no representative viewpoints have been taken from either the north-west, north or north-east, and would seek re-assurance from the comment raised in Section 3.79 of the LVIA as to why the selected viewpoints have been chosen. At 4.12 of the LVIA, it doesn't appear that the Upper Colwall/Colwall Stone Conservation Area has been identified as a key factor, particularly when the statement is later made at 4.21 of the LVIA. This should be clarified.

We note the conclusions drawn by the LVIA on the effects on visual amenity and landscape character. We have however not had an opportunity to consider these effects in full detail and so leave it to the LPA to examine the LVIA and conclusions it reaches.

Design

We note and have reviewed the Design & Access statement which states that clear regard has been had to the MHAONB Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, which is welcomed. Whilst much of the site lies in the 'Urban' landscape character of the MHAONB, the imminently adjacent Principal Timbered Farmland palette (which is the landscape character type of the application site, as identified within HC's Landscape Character Assessment) is used to influence material and colour choice, without pastiche replication of historic details seen in the locality. We welcome the informed background and rationale in justifying the proposed choice of colour and materials, which is partly based on the Principal Timbered Farmlands Landscape Character but also refers to the MHAONB 'Guidance on Building Design' which provides Local Guidance for Colwall and in reference to colour. This would appear appropriate in plan form, subject to the following re-considerations below.

We note that the MHAONB Landscape Character Map says it's urban and the Herefordshire Council Landscape Character Assessment states it is within Principal Timbered Farmlands. With a low density of development, this does feel somewhat like a hybrid site at the edge of the village which, ultimately, will be part of the village. We wish to ensure that colour selections are also informed by the village materials too. This happened with the application for the primary school on Mill Lane where brick selection (especially the bricks in the gable end facing the open countryside) were selected to fit in with the village.

We note that there do not appear to be plans of the proposed garages within the submission, notwithstanding that half the proposed plots appear to have some form of garaging incorporated. Whilst they are shown on the 'Proposed Streetscene' drawing, it would be assumed that proposed floor and elevation plans are submitted. This needs to be clarified.

With regards to House Type D, which corresponds to Plots 15 and 19 on the proposed site plan, we would suggest a minor amendment to the proposed part render/brick side elevation which would appear to draw the eye to somewhat unprepossessing features, particularly noting that this elevation on Plot 19 fronts the streetscene. Window proportions also all greatly vary.

Proposed boundary treatments are unclear. We would not wish to see close board fencing that is ubiquitous and often associated with urban development and not characteristic of this nationally protected landscape, see also the Colwall NDP on this point. We would strive to see native hedgerows, where they are the characteristic boundary. Fencing would only be acceptable if it is low, avoids uniformity and does not erode local character through inappropriate colours or introducing urbanising characteristics. Please also refer to Point 8 of Policy CNDP2 of the Colwall NDP which clarifies this point further.

Should the LPA be minded to approve, we politely request that a condition be included that material samples of the dwellings are provided to be viewed on site prior to construction, to ensure that the colour palette chosen clearly respects the landscape character of the area. We also note that lack of information has been provided as to where materials will be sourced from as locally characteristic materials provide a link with the local landscape.

Plot Size and Orientation

The density of the proposal will be just under 16 dwellings per hectare (within the developed area, i.e. excluding the areas of public open space) which is viewed to be acceptable in this instance, in this sensitive national landscape.

Whilst recognising that some exceptions exist, this part of Colwall includes detached properties which sit in larger plots, also a characteristic of the Upper Colwall/Colwall Stone Conservation Area. Those properties are usually set back with principal elevations facing the road frontage. Several dwellings proposed appear to be large relative to modest to small plot sizes and with no obvious relationship in siting to a local road or indeed the proposed access road. The AONB Building Design Guidance advises that new development should reflect the existing settlement pattern and plot size and that characteristic spacing should be respected. We also draw your attention to Point 14 of Policy CNDP2 of the Colwall NDP in that housing schemes should respond to the plot size and pattern of development, which is locally characteristic, with reference to neighbouring properties. On larger schemes (over 5 houses) a range of house types and sizes will be required in line with Policy CH1. Plots 20, 21, 22, 31, 32 and 33 would appear to have limited amenity space in the context of other development. It may be worthwhile omitting a handful of dwellings to facilitate the better characteristic spacing that typifies Colwall hereabouts. We note that the site is allocated to take at least 32 dwellings and thus, omitting three/four dwellings would still be in line with Policy CD7 of the Colwall NDP and still contribute towards delivering proportionate housing growth in the parish.

Housing Mix

Noting the Council's ability to currently demonstrate a five-year housing land supply and that housing policies within the Council's Core Strategy should be considered as 'up-to-date', the AONB Unit recognises that a shortage of genuine affordable housing is an issue in National Landscapes. Policy BDP3 of the MHAONB Management Plan states that priority should be given to affordable housing, which genuinely meets local need. The proposal to provide 39% affordable housing on site does not currently appear to be in line with indicative targets set out in Policy H1 of the Local Plan, which identifies a 40% threshold, let alone with the focus on affordable

housing contained within the AONB Management Plan. We would seek that the evidence of true housing need in the area is robustly presented.

Parking/Erosion of Tranquillity

Tranquillity is the quality of calm experienced in places with mainly natural features and activities, free from disturbance from manmade ones. Tranquillity is important for mental and physical well-being. The effects of new development on tranquillity needs appropriate consideration.

From a practicality sense, we consider that tandem parking arrangements never work in practice, often leading to increased parking stress. We note that visitor parking appears to be absent and should be clarified to avoid further potential loss of tranquillity.

Light Pollution

Parts of the AONB, including in Colwall parish, are still some of the few places in England where it is possible to appreciate the night sky without intrusive effects of light pollution. Nevertheless, light spillage continues to affect the area. The development could promote skyglow, potential glare and light intrusion. We would encourage that any external lighting is kept to an absolute minimum and only installed where necessary and is in accordance with the Malvern Hills AONB Lighting Guidance as very recently reviewed¹ (and so with Policy BDP2 of the AONB Management Plan) (currently being reviewed). Householders in the AONB can take simple steps to reduce light pollution by angling lighting downwards (without tilt) and fitting cut-off timers and sensors.

PV Panels

We note in the Planning Statement at 6.87 that the development intends to incorporate photovoltaic panels, although these are not shown on the plans of the proposed dwelling. We would seek re-assurance that they will be non-reflective and uniformly dark to avoid drawing the eye. We recognise that two house types are proposing a brown clay tiled roof (House Types A & D), and therefore care may be needed to minimise an obvious contrast when using dark panels. However, the slate tiled roofs should have a darker appearance and so contrast with solar panels would be expected to be reduced. We request a suitably worded condition for timely removal/replacement of the panels once they have reached the end of their workable life.

Mitigation

Whilst planting should be used, where appropriate, 'screening' should in no way be used to hide poor development. Good building design is always essential. Much of the mitigation proposed relates to improving Green Infrastructure and providing Public Open Space on the west and south/south-west of the application site.

This change will be perceived from some sections of the surrounding AONB landscape, particularly to the immediate west of the site. There would also be some visibility of the proposed development from restricted parts of the Malvern Hills themselves, again seen as a marginal extension to the existing settlement. The settlement-edge location of the site within an area defined as urban in character, although the HC Landscape Character Assessment defines the site as Principal Timbered Farmlands, the proposed low density of development, and the substantial proportion of the site which would remain as landscaped green space, together would help to minimise effects on the character of the AONB.

Overall, we consider that the proposed development would not result in significant adverse effects on the special qualities of the AONB. Some of the identified distinctive landscape elements, such as small orchards and hedgerow trees, should be a positive contribution.

Summary

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

In summary, we do not object to the proposed application, in terms of the requirement for development in the village, the principle of development, which is informed by a sound Landscape Sensitivity and Capacity Assessment, produced as a part of the Colwall NDP, and the application is supported by a detailed and rigorously justified LVIA. However, we seek further re-assurance on matters pertaining to design, lighting for the site, and PV panels, which we believe can take the form of either appropriate amendments being submitted or agreement of such matters through suitably worded planning conditions, as appropriate, and that we are formally consulted at the appropriate stages. This is to ensure adherence to Policies BDP2, BDP5 and BDP8 of the MHAONB.

Management Plan 2019-2024. Nevertheless, we view that the development being proposed is broadly in accordance with good practice guidance that includes guidance which has been produced by the AONB Partnership, which subject to the refinements and clarification advised above, can promote appropriate development within the MHAONB.

For the purposes of paragraphs 176 and 177 of the NPPF, whether a proposal is 'major development', is a matter for the decision-maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

We hope you can take the comments above into account. Should amendments be sought, we ask that we are formally reconsulted and reserve the right to make further comments

Second consultation response dated 14 September 2023

Thank you for re-consulting us on this application.

We wish to re-iterate that the application site lies within the Malvern Hills Area of Outstanding Natural Beauty (MHAONB), an area designated for its outstanding national landscape. As per paragraph 176 of the NPPF (July 2021), great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which has the highest status of protection in relation to these issues, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. The scale and extent of development within this designated area should be limited.

The MHAONB Management Plan 2019-2024 sets out the vision for the MHAONB and the priorities for its management over a 5-year period. It is a statutory document of the relevant local authority under Section 89 of the Countryside and Rights of Way (CRoW) Act 2000, and a material planning consideration in decision-making. The MHAONB Partnership, in addition to the statutory Management Plan, has also published significant advice and guidance, including documents on Landscape Strategy and Guidelines, Guidance on how Development can respect Landscape in Views, Guidance on Identifying and Grading Views and Viewpoints, Guidance on Building Design, and Guidance on Use and Selection of Colour in Development(<https://www.malvernhillsaonb.org.uk/our-work/planning/guidance-documents/>). Delivering against the guidance contained within these documents will also assist public bodies in their statutory duties to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.

Our revised comments are informed by the additional supporting information which appears on the application webpage at the time of writing. We trust our previous comments, where amendments have not been submitted e.g. lighting, solar panels, parking/tranquillity, remain pertinent and will be considered accordingly in decision-making.

Landscape and Visual Impacts

We note Figure 6 of the LVIA only shows that the viewpoints from the north-west, north and north-east are effectively taken from Old Church Road and the nearest footpath. Greater variation in viewpoints is needed in those directions, particularly heading towards Mathon, which is evident from the ZTV. We appreciate that this point may not have come across in our previous comments but is relevant, although we recognise that this has been done in relation to longer distance viewpoints to the south and east.

We again re-iterate that at 4.12 of the LVIA, it doesn't appear that the Upper Colwall/Colwall Stone Conservation Area has been identified as a Constraint/Opportunity, particularly when the statement is later made at 4.21 of the LVIA. The July 2023 Cover Letter simply says that the LVIA mentions the Conservation Area earlier in the report, which is not the point which is being made. This of course has some bearing on the subsequent assessment undertaken.

The references made in the Cover Letter identifies the Upper Colwall/Colwall Stone Conservation Area as a 'landscape designation', which is incorrect. Conservation Areas are a heritage designation under the Planning (Listed Buildings and Conservation Areas) Act 1990 to manage the special historic or architectural character of a place.

Design

We note the new 'Boundary Treatments Plan' submitted. We do not encourage close board fencing that is ubiquitous and associated with urban development. It is not characteristic of this nationally protected landscape (see also the Colwall NDP on this point). Several fences shown would actually front the internal access road serving the development, which is also likely to be visible from Old Church Road, increasing the number of public receptors, potentially including those in area which has increased landscape value, which is already high given this is an AONB. We would strive to see native hedgerows, where they are the characteristic boundary. Fencing would only be acceptable if it is low, avoids uniformity and does not erode local character through inappropriate colours or introducing urbanising characteristics. Please refer to Point 8 of Policy CNDP2 of the Colwall NDP which clarifies this point further, and our own Guidance on Building Design at 44-45 and local guidance for Colwall at Pages 90-91, which confirms boundaries.

We note the Garages 'drawings' have now been provided, which will reflect relevant house type.

We note the Design & Access Addendum, which states that clear regard has been had to the MHAONB Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, which is welcomed. We strongly encourage a condition that physical samples of the proposed materials for the dwellings be provided on site for inspection by ourselves and the LPA prior to discharge of such details, to ensure that considerations for our Guidance on Building Design and the Guidance on the Selection and Use of Colour in Development, is reflected appropriately.

Plot size and orientation

It appears some 're-jigging' has taken place to address amenity relationships and pedestrian access although again several plots remain limited in amenity space compared to the rest of the site. Whilst recognising that some exceptions exist, this part of Colwall includes detached properties which sit in larger plots, also a characteristic of the Upper Colwall/Colwall Stone Conservation Area, a particular matter identified by the Inspector in the dismissed appeal at Land to the rear of Paddock End and The Way, Mathon Road, Colwall (APR/W1850/W/19/3233889).

Those properties are usually set back with principal elevations facing the road frontage. Several dwellings proposed appear to be large relative to modest to small plot sizes and with no obvious relationship in siting to a local road or indeed the proposed access road. The AONB Building Design Guidance advises that new development should reflect the existing settlement pattern and plot size and that characteristic spacing should be respected. Why particularly are the affordable housing units are proposed less amenity space than the market housing units? We

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

also draw your attention to Point 14 of Policy CNDP2 of the Colwall NDP in that housing schemes should respond to the plot size and pattern of development, which is locally characteristic, with reference to neighbouring properties. It again may be worthwhile omitting a handful of dwellings to facilitate the better characteristic spacing that typifies Colwall hereabouts. We note that the site is allocated to take at least 32 dwellings and thus, omitting three/four dwellings would still be in line with Policy CD7 of the Colwall NDP and still contribute towards delivering proportionate housing growth in the parish.

Housing Mix

Noting the Council's ability to currently demonstrate a five-year housing land supply and that housing policies within the Council's Core Strategy should be considered as 'up-to-date', the AONB Unit recognises that a shortage of genuine affordable housing is an issue in National Landscapes. Policy BDP3 of the MHAONB Management Plan states that priority should be given to affordable housing, which genuinely meets local need. We would seek that the evidence of true housing need in the area is robustly presented and draw your attention to our Position Statement: HOUSING DEVELOPMENT IN THE MALVERN HILLS AONB AND ITS SETTING, which will shortly be adopted.

Summary

We still seek re-assurance on matters pertaining to the LVIA, design, layout, as well as our previous comments relating to lighting for the site, parking/tranquillity and PV panels, which have not been addressed. We request that the decision-maker, if minded to grant planning permission, seeks to remove householder 'permitted development' rights, in the interests of conserving the character and appearance of the AONB, to enable appropriate re-assessment on a case-by-case basis. The above is not insurmountable. These are constructive suggestion to improve the scheme, which can promote appropriate development within the MHAONB and to ensure adherence to Policies BDP2, BDP5 and BDP8 of the MHAONB Management Plan 2019-2024. We advise you that for the purposes of paragraphs 176 and 177 of the NPPF, whether a proposal amounts to 'major development', is a matter for the decision maker, considering its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. We hope will take the comments above into account. Should amendments again be sought, we respectfully ask that we are formally reconsulted and reserve the right to make further comments.

4.22 Ledbury Area Cycle Forum (LACF) comment as follows:

Consultation response dated 20 April 2023

I am writing on behalf of Ledbury Area Cycle Forum (LACF). Access to the site is on the quiet lane network used extensively by cyclists travelling to and from Ledbury. It is also a popular pedestrian and cycling route to the Colwall Village Garden.

The proposed access arrangements for the housing development will significantly impact the active travel choices of local residents. The applicant quotes 'no existing highway safety concerns'. This is undisputed. The current vehicle movements on Old Church Road is low enough to enable pedestrians, dog walkers and cyclists to share the space with confidence. This space-sharing only works when transport ratios are in balance. Any increase in motorised traffic will tip this balance to the extent that pedestrians, dog walkers and cyclists will feel intimidated and discouraged. The DfT statement that up to 100 vehicles per day is acceptable for space sharing doesn't reflect the reality of perceived risk, and likelihood of actual risk, that is sufficient to discourage vulnerable road users.

A footway, running a short distance along Old Church Road has been discussed. This is unacceptable for two reasons. It will despoil the rural nature of the lane. More significant is that, by formalising the road space, traffic speeds will increase. While the footway is proposed to run only for the short distance between the development and Stone Close, the higher traffic speeds will persist beyond this stretch of lane, adding to the dangers for walkers and pedestrians further

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along. As well as increased traffic speeds, car drivers will be more likely to 'own the road', taking less care with cyclists, blocking their passage when squeezed by an approaching vehicle, and close passing at other times.

Vehicle movements along Stone Drive already present hazards to cyclists. Any additional traffic will exacerbate the dangers.

The increased perceived and actual risks outlined above will discourage active travel modes and are therefore non-compliant with the local and central Government policies listed below.

Cycle storage proposed at the development is insufficient to comply with these policies. Herefordshire Council's minimum standards for residential cycle storage, defined over ten years ago, are no longer fit for purpose in the context of Council's Carbon Reduction Strategy. Each of the 19 dwellings without a garage should have enclosed secure cycle storage, large enough for one bike per bed space, approached by an all-weather, level-access pathway and supplied with power for recharging e-bikes. Rear garden cycle storage for the two centre-of-terrace dwellings is not acceptable. It is implied but not detailed in the application, that access will be via a narrow pathway winding around the outside of neighbouring gardens. This will be awkward for regular bikes, but impossible for heavy e-bikes and non-standard cycles such as cargo bikes and tandems.

National and local planning policies listed below seek to encourage active travel. The development proposals contravene the following:

- National Planning Policy Framework 2019: promoting sustainable transport
- Herefordshire Core Strategy: SS4 - developments 'to be designed and located to minimise the impacts on the transport network....and to ensure that the efficient and safe operation of the transport network are not detrimentally impacted.' Herefordshire Council to safeguard....cycle links to transport hubs. MT1- the promotion of highway safety and active travel, and the provision of sufficient cycle storage at new developments. SD1: the provision of sufficient cycle storage.
- Herefordshire Council's Climate Emergency policy
- Herefordshire Council's Carbon Reduction Strategy
- Department for Transport 'Gear Change - a bold vision for cycling and walking' that states that cycling should become the transport of choice for local journeys.
- D f T Local Transport Note 1/20
- The Highway Code 2022

The encouragement of sustainable travel choices is key to compliance with the above.

5. Representations

5.1 Colwall Parish Council comments as follows:

First consultation response dated 13 April 2023

IT WAS RESOLVED that Colwall Parish Council had no objections to the proposed but requested that the planning officer take into consideration the following requests.

- The provision of a short stretch of all-weather surface for the footpath CW30 from the junction at the south west corner of the site to the junction with The Crescent to encourage all year round pedestrian access for the school and village amenities, and discourage car use especially during the winter months.
- As part of approval of detail the Planning Officer confirms that the design for driveways accords with CNDP CD2.6 or, if impractical, other materials such as stone sets are used and the use of tarmac is minimised. In addition that the footpaths and cycle ways on the site utilise a suitable all weather surface other than tarmac.
- As part of approval of detail the Planning Officer confirms that the design of plot boundaries satisfies CNDP CD2.8 including avoiding the use of close panel timber fencing.

- As part of approval of detail the Planning Officer confirms that any external lighting satisfies CNDP CD2.11 - Colwall Parish Council will not assume “any responsibility or liability” for any of amenity area(s) and/or amenities provided therein, the Parish Council request that these should be covered off in a management plan in perpetuity (not limited to 10 years as detailed/stated in the application).
- Highways are to be satisfied as the suitability of Old Church Road for the development.

Colwall Parish Council requests any potential S106 monies that arise from this application are to be used for the following: -

- Colwall Library Re-fit £10k (for which HC will match fund for an estimated sum of £15k);
- Outdoor Childrens Play Areas £50k: o Additional equipment for under 5’s play area in Brookmill Close;
- Repair/Replacement to climbing items and slide in Orlin Road play area;
- Upgrades to existing equipment/sites;
- Gateway Traffic Calming points on Walwyn Road sites near Pictons Nursery and Colwall Green (exact locations to be agreed with Highways) £75k. - Bike rack by village pharmacy – £2-£3k.

5.2 The consultation responses referenced above responses can be viewed in their submitted format on the Council’s website by using the following link:-

[Planning Search – Herefordshire Council](#)

Publicity:

5.3 The proposal due to the scale of development is classified as a major development. As such, it has been advertised in the local press. In addition, numerous site notices have been displayed around the site. A total of 4 formal re-consultation periods have taken place (Site notices displayed April 2023, July 2023, December 2023 and April 2024). Statutory consultees have also been consulted.

5.4 Public consultation responses can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&search-term=230457

5.5. A total of 261 consultation responses have been received, a number of which are repeat responses from individuals in connection with the numerous consultations periods undertaken. A total of 232 of the representations received raise objections or continuing objections to the scheme. 1 raises support and the remainder are considered ‘non-committal’.

5.6 Concerns raised can be summarised as follows:

Neighbourhood Development Plan Process and Principle of Development

- Issues with the NDP process, settlement boundary drafting, site selection;
- Poor NDP referendum result;
- NDP has been hugely divisive in the area;
- Alternative, more suitable sites;
- Council currently has a five year supply;
- Site not suitable given its AONB and Conservation Area Constraints;
- The proposals do not achieve the requirements set out in NDP;
- Loss of openness;
- Local community wishes to revise its NDP.

Highway Safety and Footway/Cycleway Connectivity

- Highway safety, increased traffic on Old Church Road, impact on pedestrian, cyclists, horse and rider safety, width of Old Church Road, no passing places;
- Width of roads in the area (too narrow);
- Highway safety issues on surrounding roads – including Stone Drive and Mathon Road.
- Number of accidents in the area – issues already on roads in the area and the proposed development will represent a tipping point;
- Inaccurate detail within the Transport Statement and queries over figures included within the Traffic Data;
- Photographs of vehicle conflict in area and car in verge;
- Pedestrians, cyclists and dog walkers conflict and potential for conflict based on highway proposals;
- No plans to upgrade footpath;
- Application does not meet conditions set out in NDP relating to pedestrian and cycle access;
- Herefordshire Strategic Housing Land Availability Assessment identified the site road as not being suitable for development;
- Width of footpath proposed on Old Church Road inadequate;
- Safe diversionary route must be provided for Old Church Road users while works being carried out;
- Footpath CW30 does not provide access to Walwyn Road and cannot be considered as suitable for general use – across a field;
- Should not be approved unless proper access for cyclists and pedestrians, separated from traffic along Old Church Road;
- Unsuitable highway, pedestrian, cyclists provision for a development of this size;
- Highway matters remain unresolved.

Flooding and Drainage

- Surface water run off and drainage issues;
- Deliverability of development as a result of drainage risks;
- Severn Trent comments are a concern and lack of correct modelling to confirm a solution, capacity of sewage works serving Colwall. Sewage spill taking place;
- Risk of sewage overflow and pollution – already taking place in area;
- Alarming high levels of phosphate pollution in Cradley Brook downstream of the local sewage works;
- Concerns regarding foul sewage, lack of a resolution on foul sewage issues and impact on local water supply guarantees;
- Evidence of drainage/sewage overflow submitted;
- Drainage matters considered unresolved;
- Only way to avoid the pollution threat is to refuse planning permission since the developer has a right to connect once planning permission granted, even if STW have not undertaken work to handle additional flow;
- Condition suggested by Severn Trent is inadequate;
- Essential planning permission refused unless Severn Trent confirm they are able to accommodate the development.

Landscape/Trees/Open Space

- The proposal is major development in the AONB and should be treated accordingly;
- Loss of green space;
- Impact on verges and trees along Old Church Road;
- Management and maintenance in respect of proposed wildflower meadow, community orchard and play area – large area of open space is a substantial commitment;
- Key views and important vistas will be harmed;

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

- Development would be highly visible from the Malvern Hills;
- Essential the decision-takers assess the impact for themselves of what is proposed from all reasonable viewpoints;
- CD7 seeks to retain locally important vegetation – damage to vegetation as a result of cutting back hedges;
- Impact on mature oak tree;
- Loss of natural beauty

Conservation Area and Heritage/Non-designated heritage assets

- Impact on character and appearance of the area – more rural character, open space, eclectic variety of building forms and types, more intimate vernacular, soft road verges, hedges running parallel with the road, strong boundary treatments;
- Open spaces make a significant contribution to its rural character;
- Loss of valuable green space in the Colwall Conservation Area;
- Old Church Road is a characteristically quiet country lane, unsuitable or safe for further development;
- Impact on conservation area;
- Impact on nearby listed buildings;
- Demolition of locally important heritage assets;
- Herefordshire Council's Character Statement has not been taken onto consideration – importance of the Character of Old Church Road referenced within this statement with its associated hedges and open spaces including Grovesend Field;
- Herefordshire Council has a duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act.

Design

- Design of the dwellings not in accordance with requirements of NDP;
- Design doesn't reflect settlement pattern, local vernacular.

Ecology and Biodiversity

- Impact on wildlife and ecology – known habitat for many species including presence of protected species adjacent to the site – many varieties have been identified using the field and a number of protected species;
- Lack of ecology surveys and not reviewing the material required in respect of local ecology records;
- Essential more thorough survey of wildlife undertaken;
- Evidence of protected species provided in neighbouring garden;
- Impact on verges and trees along Old Church Road;
- Impact on ecology of nearby allotments and ancient cherry orchards;
- Biodiversity Net Gain.

Sustainability and Climate Change

- Climate change and carbon footprint;

Housing Demand and Housing Mix

- Housing demand and how it is calculated;
- Development not considered to respond to local housing need;
- Planning Statement claims 51% of the units will be open market but it is 22/36;
- Need for the development has not been shown and can be delivered in other ways;

- Ledbury Housing Market Area could have taken on some of the need from the area and the proportionate growth did not necessarily need to be delivered in Colwall;
- Concerns the Council misled the Parish Council over housing requirement figures.

Capacity of Local Services

- Existing local facilities at capacity – population of the village increasing.

Amenity

- Impact on amenity of adjacent dwellings – overlooking, potential disturbance, anti-social behaviour on open space immediately adjacent to property, loss of privacy.

Other Matters

- In a village poll, over 92% oppose the development;
- Localism and strength of feeling against the proposals;
- Application lacking in essential detail;
- Grant of planning permission
- Majority of contributors against the development;
- Lack of S.106 and S.278 agreements – realistic plans for highway works on Old Church Road;
- Lack of maintenance and management agreements;
- No significant public benefit to weigh against the harm it would cause;
- Proposal falls well short of delivering a cumulative public benefit adequate to outweigh the harm identified;
- No exceptional circumstances have been demonstrated;
- Proposal not acceptable on the basis of the ‘great weight’ which needs to be given to the = AONB and Conservation Area;
- Applicant has failed to show any significant public benefit;
- Overall concerns raised that comments made during consultation process have not been addressed through revisions;
- Parish Council’s ‘no objection’ came with conditions, however these are not able to be met.

5.7 Objections have been submitted on behalf of ‘The Revised NDP Group’ which include a Written Legal Opinion by Miss S Davies. The Opinion can be viewed in full using this link - [documents \(herefordshire.gov.uk\)](#).

Matters raised in the Opinion and Analysis can be summarised as follows:

- Colwall NDP is now more than 2 years old;
- Open spaces are said to form part of the conservation area character;
- Conservation Area Statement does not appear to be referenced in the section which makes reference to the detailed design guides. It is endorsed by the Conservation Officer and likely this is the character statement against which the impacts on the Conservation Area ought to be assessed. NDP makes no mention;
- Under the Service Level Agreement it would have been for Herefordshire Council to provide feedback on the draft NDP. That would also have been necessary in order to discharge its duties under paragraph 8(2) and/or 8(3) of Schedule 4B. Risk the NDP has been prepared in ignorance of the Colwall Conservation Area Character Statement, and the Council has not corrected the position in the feedback it was to provide during the preparation of the NDP;
- Not only is Character Area Statement not mentioned in the NDP, it also does not appear to be mentioned in the Heritage Statement produced by the Applicant. Also not listed as a source material relied upon;
- Each party seem to have undertaken their analysis unaware of this document;

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- Number of open spaces are of significance in the conservation area and these form part of the character. Neither the applicant, nor the Council have grappled with this point;
- South Lakeland requires that the preservation of the character and appearance of the conservation area can only be achieved by positively contributing to preservation or enhancement that leaves character unharmed. The applicant and Conservation Officer do not appear to have considered how the open spaces themselves are preserved or enhanced by the development. There is a risk of a Court finding that the statutory duty in s.72(1) has not been properly discharged;
- The Conservation Officer in their consultation response notes the fact that the site is adjacent to the stable blocks, the barn house, and winterslow, as well as the non-designated heritage assets. The Conservation Officer makes no assessment of the impact of the proposed development on the significance of those heritage assets and /or does not provide any reasoned justification for the acceptability of the impacts having regard to the statutory duty and the relevant paragraphs of the NPPF. If it is the case that the Consultation Officer has not grappled with the impacts on these listed buildings, there is also a risk that the s.66(1) duty has also not been properly discharged. It follows that having not grappled with the impacts on those heritage assets, the Council have not advised that 'great weight' needs to be given to the conservation of the assets (§199 of the NPPF);
- I have reviewed the Planning Statement produced by the Applicant which correctly makes reference to the need to demonstrate that there are exceptional circumstances and where it can be demonstrated that the development is in the public interest (see §5.33). However, the Planning Statement does not appear to go on to provide that justification that such exceptional circumstances exist in this case;
- The need to provide 'great weight' to the conservation and enhancement of the AONB, as well as the need to meet the threshold that there are 'exceptional circumstances' and where the development is in the public interest is a critical part of the planning balance. Whilst this appears to have been dismissed given that the Site is allocated in the NDP, that does not answer the point: there is still a need to meet the 'exceptional circumstances' test. In so doing, there is a requirement per §177 NPPF to demonstrate that (a) there is a need for the development, including in terms of national considerations and the impact of permitting it or refusing it on the local economy; (b) the cost of, and scope for developing outside the designated area, or meeting the need in some other way; and (c) any detrimental effect on the environment, the landscape, and recreational opportunities and the extent to which they could be moderated. In my view, (a) and (b) in particular have not been addressed.
- Council has a 6.19 years of housing supply as per July 2022 Housing Supply Update;
- Arguably a question about how there is a 'need' for the development;
- There appears to have been no alternative sites assessment to demonstrate that (b) has been properly discharged i.e. the cost of and scope for developing outside of the designated area;
- The specific points raised by the AONB Officer will be relevant to c). There is a risk the relevant tests in §177 have not been properly discharged either.

5.8 Comments in support can be summarised as follows:

- Need for housing in area;
- Capacity in local schools;
- Numbers proposed will not add much additional congestion.

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."

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- 6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) (adopted by the Council on 16 October 2015) and the Minerals and Waste Local Plan (adopted by the Council on 8 March 2024). The Colwall Neighbourhood Development Plan 2021-2031 (CNDP) was made on 7 June 2021 and also forms part of the Development Plan for Herefordshire.
- 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 was made on 9th November 2020. The Local Plan 2021-2041 will set out the planning framework for the county for the period to 2041, covering issues such as housing provision, the economy, retail and town centres, infrastructure provision and the environment. Herefordshire Council consulted on the draft Herefordshire Local Plan (Regulation 18) between 25 March 2024 and 20 May 2024. The latest updates in respect of the draft Herefordshire Local Plan can be viewed via the following link - [Local Plan 2021 - 2041 – Herefordshire Council](#). The plan has been published for consultation. Post consultation, assessment of which policies have/have not been subject to objection will now be carried out.
- 6.4 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. The National Planning Policy Framework and Planning Practice Guidance are also material considerations, alongside specific topic based technical guidance and documentation.
- 6.5 Herefordshire Council is currently able to demonstrate a five year housing supply of 5.84 as published in the Five Year Housing Land Supply (2023 – 2028) Annual Position Statement at 1 April 2023 (dated August 2023). On the basis of the above, and the Council’s Five Year Housing supply position, the policies which are most important for considering determining the application are not considered out of date.

Principle of development

- 6.6 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, as set out in Paragraph 11 of the National Planning Policy Framework.
- 6.7 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the main focus for housing development. Outside Hereford, the main focus for residential development is within the market towns. Policy SD2 identifies in rural areas new housing development will be acceptable where it helps to meet housing needs and requirements, and supports the rural economy and local services and facilities and is responsive to the needs of the community. In the wider rural areas residential development will be carefully controlled.
- 6.8 Core Strategy Policy RA1 relates to rural housing distribution. In Herefordshire’s rural areas, a minimum of 5,300 new dwellings will be provided between 2011-2031 to contribute to Herefordshire’s Housing Needs. The policy sets out new dwellings will be broadly distributed across the county’s rural areas, on the basis of seven Housing Market Areas (HMAs). The

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indicative housing growth targets in each of the rural HMA's will be used as a basis for the production of NDP's. Local evidence and environmental factors will determine the appropriate scale of development.

- 6.9 Colwall falls within the Ledbury HMA where there is a minimum number of 565 dwellings to be delivered within the HMA during the plan period. Figure 4.14 of the Core Strategy identifies Colwall as one of 10 settlements in the Ledbury HMA which will be the main focus of proportionate housing development. Figure 4.15 identifies other settlements where proportionate growth is appropriate. An indicative housing growth target of 14% is established for the Ledbury HMA. In 2011, there were 1141 properties in the Parish of Colwall. Applying the target of 14% gives a requirement to build a minimum of 160 new dwellings Colwall.
- 6.10 Based on the Council's proportional growth by Housing Market Area and Parish (April 2023) figures, a total of 73 new dwellings were completed in Colwall between 2011 and April 2023. As at April 2023, the figure for new dwellings commitments was 55 and the number of site allocations without planning permission in the NDP accounted for a total of 51 new dwellings. The application site is accounted for as a 'site allocation without planning permission in the NDP' and therefore contributes towards the figures for Colwall. The plan to deliver the number of new dwellings required includes housing on this site.
- 6.11 Policy RA2 relates to housing in settlements outside Hereford and the market towns and sets out the minimum growth target in each rural HMA will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.
- 6.12 Policy RA2 sets out housing proposals will be permitted where the following criteria are met:
1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
 2. Their locations make best and full use of suitable brownfield sites wherever possible;
 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and 4.
 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.13 Policy RA2 identifies Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide housing to meet the various targets. In the period leading up to the definition of appropriate settlement boundaries the Council will assess any applications for residential developments in Figure 4.14 and 4.15 against their relationship with the main built up form of the settlement. The Colwall Neighbourhood Development Plan is adopted and forms part of the Development Plan. It was made on 7 June 2021 following various stages including draft plan and plan submissions and consultation, examination and referendum.
- 6.14 The whole of Colwall is included within the Malvern Hills Area of Outstanding Natural Beauty. The Colwall NDP Policies Map designates a settlement boundary for Colwall, with the NDP supporting text explaining Colwall Parish Council decided to prepare an NDP to retain a settlement boundary and to protect the area of the AONB that lies outside of the settlement boundary. The Colwall NDP provides detail in terms of the evidence base informing the identification of the settlement boundary, which included 'The Preliminary Assessment of Settlement Boundary Landscape Appraisal' (March 2013) and the 'Colwall Neighbourhood Development Plan Landscape Sensitivity and Capacity Assessment' in 2013. A development capacity table was also produced based on the LSCA which was used to identify the settlement boundary.

- 6.15 Policy CSB1 of the Colwall NDP relates to the settlement boundary and confirms residential development will be supported within the Colwall settlement boundary where proposals are in accordance with the principles of the Development Plan. Policy CSB1 also confirms the provision of at least 70 new houses will be supported over the Plan period.
- 6.16 As set out earlier in this report, the majority of the site falls within the settlement boundary for Colwall as designated by the Colwall Neighbourhood Development Plan, with the exception being the two parcels of land to the south and west which are shaded blue on the policies map and comprise Open Space designations.
- 6.17 The application site is known as ‘Site 2 Grovesend Farm’ and is allocated through Policy CD7 of the Colwall Neighbourhood Development Plan for housing development of at least 32 dwellings. The areas to the west and south of the housing site (shaded blue in the Policies Map) are designated as Open Space, but are also included within Policy CD7.
- 6.18 Residential development is proposed within the part of the site which falls within the settlement boundary and therefore accords with the requirements of CSB1. The application also includes the provision of Open Space which aligns with the areas shaded in the Policies Map. It is noted the application proposes a total of 36 dwellings, an additional number to the 32 referenced in the policy text. Policy CSB1 and CD7 also refer to a minimum housing number for the plan period, and in the case of Site 2, ‘development of at least 32’ dwellings. Proportional growth targets provide a minimum basis for the level of new housing to be accommodated in each NDP area and are a minimum not a maximum requirement. As such, an assessment of the merits of the proposed development in that context and on the basis of the relevant considerations associated with the site is required to determine acceptability.
- 6.19 Notwithstanding the inclusion of the site within the settlement boundary, it is acknowledged the site is within the Malvern Hills AONB (now a ‘National Landscape’ from November 2023) and Colwall Stone/Upper Colwall Conservation Area. As such, there is a requirement to further the purpose of conserving and enhancing the natural beauty of the AONB pursuant to section 85 of the Countryside and Rights of Way Act 2000. Special attention should also be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.
- 6.20 An assessment of the proposed development in the context of those considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. This will include assessment against the wider development plan policies, including the specific criteria set out in NDP Policy CD7 as relevant by topic area.

Landscape

Legislative and policy context

- 6.21 In November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became ‘National Landscapes’. The Levelling Up and Regeneration Act 2023 (LURA) introduced a notable change for National Landscapes, which became effective from December 2023. This relates to the responsibilities of any ‘relevant authority’, as referred to by the Countryside and Rights of Way (CRoW) Act 2000, when discharging a function that affects a ‘National Landscape’. The amendment reads as follows:

Countryside and Rights of Way (CRoW) Act 2000, Section 85 - General duty of public bodies: “Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

- 6.22 Whilst noting the change in terminology to 'National Landscapes', the legal AONB status remains and therefore the use of the term 'AONB' continues in this report. The application documentation and policy also refers to AONB.
- 6.23 In summary, based on amendments introduced through the LURA, it is recognised a relevant authority must now seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. The Malvern Hills AONB Management Plan 2019-2024 is a statutory document produced under Section 89 of the CROW Act 2000 which sets out the overall vision for the AONB and priorities for its management.
- 6.24 In terms of the development plan context, Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 6.25 CS Policy LD1 deals directly with landscape and townscape and identifies proposals should:
- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
 - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
 - Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
 - Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.26 Core Strategy Policy LD3 sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:
1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
 2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
 3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.27 NDP Policy CD1 identifies exceptional key views as shown on Map 7 and described in the Colwall Neighbourhood Development Plan Visual Study Report (January 2019). The views are considered to make a highly important contribution to Colwall's landscape character, sense of place, local distinctiveness and visual amenity. The views also contribute to the special landscape qualities of the AONB.
- 6.28 Policy CD1 confirms where a development lies within sight of an Exceptional Key View, and/or could affect it, a Landscape and Visual Assessment or similar study should be carried out to demonstrate that levels of effects are acceptable, and that the scheme has been sited and designed sensitively and appropriately, reflecting, respecting and where possible enhancing the landscape context within which it is situated. The policy requires a proportionate level of information to the type and scale of development proposed and is clear development proposals which have a high degree of adverse effect on one or more of the Exceptional Key Views will not be supported.

- 6.29 NDP Policy CD2 relates to new residential development and contains more detailed landscape design requirements setting out various landscape design principles which should be incorporated to schemes, including incorporating landscape proposals which protect and enhance the distinctive local landscape character. Additionally, keeping use of hard surface materials to a minimum, planting species characteristic of the village, sensitive boundary treatments, enhancing appropriate tree cover, plots with capacity to allow growth of vegetation and demonstrating how the design has considered the visual impact of the pattern of buildings identified in Policy CD1. The principles also confirm new lighting should be warm and kept to a minimum to minimise impacts on dark skies, and light spillage should be minimised. New open spaces should also be designed to link to the existing settlement pattern and open countryside.
- 6.30 Alongside the broader landscape principles identified in CD2, Policy CD7 also includes landscape design principles for the Grovesend Farm site. These can be summarised as follows:
- The density, siting, layout and design of new built form must respect the existing local settlement pattern, vernacular and sense of place – in order to reduce potential adverse effects on the historic landscape character and visual amenity of the area;
 - The scheme should demonstrate it has taken into account views from key view points within and around the village and on the Malvern Hills, in order to ensure that the development integrates appropriately into and enhances, its surrounding character and ‘natural beauty’. Particular attention should be paid to selection of materials and colours for roofscapes with CD7 confirming the site forms an integral part of the setting of several ‘Important Views into and out of the village, which should be retained wherever possible;
 - The development should protect existing, and deliver new green infrastructure assets and functions, and ensure integration with, and connection to, the surrounding green infrastructure network. A ‘green corridor’ must be provided from the new road through Site 2 to the greenspace (Area 12B (1) on Map 3) to the west, allowing access for pedestrians and maintenance vehicles.
 - Ecological habitats must be retained, protected and enhanced, and managed to ensure their future health. Where possible development should restore areas of traditional orchards that used to occupy the site and in areas along the site boundary.
 - New landscape features should be designed and managed to ensure that the development integrates appropriately into its surrounding context. All new planting should comprise appropriate plant species that reflect local character and distinctiveness and enhance biodiversity. Tree cover should be extended where appropriate.
 - The northern side of the development will form a new frontage to Old Church Road, and so must respect, and make a positive contribution to, its historic rural character. Effects on the setting of the listed buildings in close proximity to the site must be considered. Locally-important roadside trees and hedges must be retained and protected wherever possible. If loss is unavoidable, replace with same / similar.
 - Area 12B (2), which lies south of Area 12A, contains locally-important heritage assets and landscape features. Designs should be sensitive to the setting and context of the ice house, tramway and former orchard. A buffer zone of native trees and shrubs and secure fencing must be provided along Area 12A’s southern boundary in order to protect these assets and features.
 - The areas to the west and south of the proposed new housing, as identified on the Parish Policies Map and the extract showing the site location plan, are protected for public open space use as part of the development scheme.
- 6.31 The National Planning Policy Framework identifies requirements in terms of conserving and enhancing the natural environment at Chapter 15.
- 6.32 Paragraph 180 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development

from contributing to unacceptable risk from soil, air, water or noise pollution of land instability. Additionally, land where appropriate.

- 6.33 Paragraph 182 identifies great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.34 Paragraph 183 then goes on to say, when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.35 The accompanying footnote (footnote 64) confirms for the purposes of Paragraphs 182 and 183, whether a development is 'major development' is a matter for the decision maker taking into account its nature, scale, setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or designed. The reference to 'major development' included in footnote 64 is a specific definition for a specific purpose and is distinct from the definition of major development used in general town planning terms.

Assessment of landscape legislative and policy context

- 6.36 The application is accompanied by various supporting information relating to landscape including, a Landscape and Visual Impact Assessment and associated Figures, Design and Access Statement, Tree Impacts and Tree Method Statement and Arboricultural Technical Note. Illustrative sections and a Boundary Treatment Plan are included in the submitted drawings.
- 6.37 Malvern Hills National Landscape Partnership (formerly known as Malvern Hills AONB Unit) have been consulted in connection with the application and do not raise any objection. Within detailed comments, it is confirmed the made Colwall NDP is informed by a sound Landscape Sensitivity and Capacity Assessment and also, that the application is accompanied by a detailed and rigorously justified LVIA. Whilst not objecting to the proposed application, there are areas where MHNLP has sought further reassurance in terms of matters of design, lighting and PV panels which are discussed as relevant in this report. Further details required in terms of design are matters which can be managed by way of conditions.
- 6.38 The Landscape Officer acknowledges the high sensitivity of the site given its constraints, also noting its allocation in the Colwall NDP, with Policy CD7 setting out the design principles and the landscape capacity study identifying an area of between low to medium and medium capacity to change. The submission of the LVIA is welcome by the Landscape Officer, but design and layout concerns were raised in the initial consultation response where some areas of the scheme were not considered to reflect aspects of the LVIA. The matters raised related to the impact of the development on the Oak Tree on the Old Church Road frontage, a missed opportunity for a clear view corridor across the site, proposed woodland copse appearing out of place, responding to existing settlement pattern and queries regarding the layout of the pumping station. Areas where

further information would be of assistance were also identified, such as sections of the open space, additional street scenes and management and maintenance details.

- 6.39 Following the initial consultation period and in response to matters raised in representations, revised application proposals and supporting documentation have been submitted. Amendments include locating dwellings to the north of the site further southwards to ensure the access drive avoids the Oak Tree root protection area. Plots 29-34 have also been moved and amendments to certain plot layouts providing more generous plot sizes. Additional details for the pumping station have also been submitted, including confirmation this is to be screened. The submitted details confirm that as the size and appearance of the pumping station are not yet known, however, the submitted plans cover the maximum specification that might be required. Boundary treatment details have also been reviewed. The use of close board fencing is only proposed where separating rear gardens and native hedging is retained and enhanced. The landscape details remain illustrative but are intended to establish principles. In terms of maintenance, the applicant has confirmed trees have been incorporated within gardens where possible, with areas of public open space and the pumping station likely to be managed by a management company.
- 6.40 A number of formal re-consultations have taken place following submission of revised plans and supporting information. A written legal Opinion has also been submitted on behalf of a group of local residents and a legal Opinion in response submitted on behalf of the applicant.
- 6.41 In subsequent comments, the Landscape Officer has confirmed the scheme would result in a permanent change to the character of Old Church Road due to the introduction of vehicle access, trimming of hedgerows and proposed new footway. Those changes are noted as reducing the current strong rural character in this location. Furthermore, the Landscape Officer acknowledges a major negative change due to the loss of open agricultural land and introduction of housing and associated infrastructure. The open space will be publically accessible and it is recognised this presents a range of biodiversity and amenity features. Conditions have been recommended to secure elements of the scheme and provide additional details where considered necessary. The Landscape Officer comments in terms of level of change are noted.
- 6.42 The LVIA provides detailed conclusions in terms of effects on the landscape character and visual effects which are well explained and summarised in pages 57-59 of the LVIA. The overall conclusion within the LVIA is as follows:

Overall, the Proposed Development would result in limited effects on landscape character and visual amenity, restricted to the site and its local landscape context (i.e. it's immediate environs); in such views the proposed development will be seen in the context of the existing settlement edge of Colwall Stone.

A range of landscape and visual receptors have been assessed and impacts have been identified for both landscape character and for visual receptors. This is part of an iterative process whereby potential impacts have informed the design of the Proposed Development and the associated landscape strategy. Mitigation has therefore become integral to the Proposed Development. Notable residual effects on landscape character and visual amenity would be limited to the immediate environs to the site.

While the Proposed Development would be visible in some views to and from the Malvern Hills, effects on such views would be limited, and by Year 15 the Proposed Development would be very well assimilated into the existing settlement pattern of Colwall Stone.

The Proposed Development is not therefore considered to be in conflict with the policies of the Malvern Hills AONB Management Plan, and the design of the Proposed Development has been developed in line with the published guidance for development within the AONB.

- 6.43 The Landscape and Visual Impact Assessment has been prepared in accordance with the relevant legislative and policy background. The approach and methodology have been developed

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using best practice guidance. The findings established in the LVIA in terms of the impacts of the proposal are accepted by officers. It is also noted the residential development proposed falls within the settlement boundary and is allocated for residential development. The decision to allocate the site for residential development through the NDP was also underpinned by comprehensive analysis in respect of landscape sensitivity.

- 6.44 The LVIA is considered by officers to confirm the level of effects including impacts on key views are acceptable and it is considered the scheme, including changes made during the course of the assessment of the proposals has demonstrated the character of the landscape has positively influenced the design, scale and setting of the settlement. Design is assessed in more detail in the relevant section of this report, but in summary the layout, siting and design are assessed by officers as reflecting the local area. The scheme proposes a good mix of dwelling types, with design features underpinned by analysis of the local area. The proposed layout is also low density and scale is varied across the site to reflect the particular site context and constraints. Tree cover is also maintained and extended. The rural character of Old Church Road will change, however, boundary treatment along Old Church Road is largely retained and built development is set back. The NDP also stipulates access should be sited in this location. Areas of open space are incorporated as specified in the NDP Policies Map and Policy CD7.
- 6.45 As set out, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and scale and development within these areas should be limited. Paragraph 183 of the Framework is clear permission should be refused other than in exceptional circumstances. Whether a proposal is major development in the AONB is a matter for the decision maker taking into account its nature, scale and setting, and whether it could have significant adverse impact on the purposes for which the area has been designated or defined.
- 6.46 The applicant's Planning Statement Addendum (at Paragraphs 3.6 to 3.17) draws the conclusion that the scheme does not constitute major development in the AONB. The submitted Planning Statement goes on to say, *'Even if the development was considered to represent major development in this context, exceptional circumstances and public interest have been demonstrated through the allocation of the site in the Colwall NDP, following a detailed assessment and analysis of appropriateness, and a public referendum. Further, in respect of need, where the point of housing land supply is raised, it is reiterated that the housing supply the Council can demonstrate is calculated based on deliverable sites, including those allocated for development in Neighbourhood Plans, and specifically including the application site as deliverable within five years'*.
- 6.47 Whether a proposal is major development in the AONB is a matter for the decision maker taking into consideration points a) to c) as set out in Paragraph 183 of the Framework. The whole of Colwall falls within the AONB and in preparing its made NDP, the established settlement boundary seeks to protect the area of the AONB that lies outside of the settlement boundary. The settlement boundary is underpinned by robust and comprehensive assessment of landscape sensitivity and capacity across the parish. It takes account of local evidence and environmental factors, and included consideration of alternative sites. The site is allocated within the development plan, for residential development of at least 32 dwellings and contributes towards the achievement of deliverable sites within five years. As such, the need for residential development on the site is established and scope for meeting the need in some other way has been considered in the preparation and examination of the plan.
- 6.48 In terms of the impact of the proposed development on the local economy, the site is accessible by public transport and located close to local services and businesses. New households at the site are likely to support services in the area in a sustainable manner. There would also be economic benefits associated through the provision of jobs and local purchasing during the construction stage. The scheme also delivers much needed affordable housing. Based on the assessments informing the settlement boundary and the site based LVIA submitted to accompany the application, officers also consider any detrimental effect on the environment has been appropriately moderated. Officers' view is that when considering criteria a) to c) in Paragraph 183

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of the Framework, there are exceptional circumstances in this case and it can be demonstrated the development is in the public interest.

- 6.49 Notwithstanding the above, assessment against the criteria established in Paragraph 183 is only required where a proposed development is considered to constitute major development in the AONB based on the criteria set out in footnote 64. Officers' view is that based on the relationship of the site with the existing settlement, the assessment and findings contained within the LVIA, the assessments undertaken in terms of landscape sensitivity and capacity, the number of dwellings proposed, low density of development (which includes large areas of local green space) and the scale and siting of the development, the proposed development does not constitute major development in the AONB. As such, in officers' view there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.

Conclusion on Landscape Matters

- 6.50 The proposed development is considered to result in limited effects on landscape character and visual amenity, restricted to the site and its local landscape context (its immediate environs). In such views the proposed development would be seen in the context of the existing settlement edge of Colwall. The development would be visible in some views to and from the Malvern Hills, but effects on such views are assessed as limited, and by year 15, the proposed development would be well assimilated into the existing settlement pattern of Colwall Stone.
- 6.51 Officers have concluded the proposed development does not constitute major development in the AONB and as such, there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.
- 6.52 Overall, the proposed development is considered to conserve and enhance the natural beauty of the AONB and meet the principles established in Policies SS6, LD1, LD3, CD1, CD2 and CD7, alongside the requirements identified in Chapter 15 of National Planning Policy Framework. The requirements of Malvern Hills AONB Management Plan 2019-2024 are also considered to have been met through the detailed proposals. On that basis, officers are satisfied the requirement of seeking to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty is achieved.
- 6.53 It is acknowledged further information is required in terms of the detail relating to the landscape proposals, however, this can be secured by suitably worded conditions.

Heritage

- 6.54 The site is located within the bounds of the Colwall Stone/Upper Colwall Conservation Area. There are no listed buildings within the site but there are listed buildings within the immediate vicinity as shown in Plate 30 and Appendix 6 of the Heritage Assessment. Remnants of a former tramway and piggery complex are located within the southern part of the site which are identified as locally important heritage assets in the Colwall NDP.
- 6.55 The Planning (Listed Buildings and Conservation Areas) Act 1990 at section 66 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.*"
- 6.56 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 or appearance of that area.

- 6.57 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.
- 6.58 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.
- 6.59 NDP Policy CD4 relates to development in the conservation area and protecting built heritage assets setting out proposals for new development will be required to demonstrate careful consideration of any potential impacts on the setting of the conservation area and other nearby heritage assets above or underground. The policy details proposals will be required to describe the significance of any heritage assets affected, including any contribution made by their setting. Development proposals should protect, conserve and where possible, enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.60 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 200 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 200 also sets out where a proposal includes or has the potential to include heritage assets with archaeological interest, a desk based assessment and where necessary, field evaluation should be submitted. Paragraph 201 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 203 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 6.61 The Framework then goes on to explain how to consider potential impacts. Paragraph 205 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset is, the greater the weight should be). Paragraph 206 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 207 deals with considering proposals which would lead to substantial harm. Paragraph 208 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 209 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 6.62 Historic England has also prepared guidance in respect of the historic environment and the Planning Practice Guidance contains further advice on enhancing and conserving the historic environment.
- 6.63 The application is accompanied by a Heritage Statement which identifies the significance of the heritage resource within the site and any heritage assets affected by the proposals, in order to inform the assessment of any harm or benefit which may result from the implementation of the proposals. The statement references the legislative and policy framework surrounding heritage assets and sources and methodology used to inform the assessment are well detailed. The

submitted Heritage Statement is considered to provide a comprehensive analysis of the heritage environment in the context of the proposals.

- 6.64 Historic England and the Council's Building Conservation Officer (BCO) have both been consulted on the application. Historic England has not provided a consultation response. The initial consultation response from the BCO notes the sites location in the conservation area and identifies the affected heritage assets, including non-designated heritage assets within the application site. The comments confirm the principle of development is not opposed given the allocation within the Colwall NDP and notes the layout of the site has addressed the sensitive value of the site and its constraints. Minor design amendments were requested to the scheme to include the introduction of chimneys and changes to Plot 35 and 36. Conditions were also requested to secure additional details.
- 6.65 Submitted representations raise concerns regarding the impact of the proposal on the character and appearance of the conservation area. A legal Opinion has also been submitted on behalf of a group of residents. The heritage matters raised relate to the NDP process and concerns the NDP was prepared in ignorance of the Colwall Stone/Upper Colwall Conservation Area Statement. Also, that the CAS is not referred to in the Heritage Statement submitted by the applicant. It is also said that the significance of open spaces in the Conservation Area Statement have not been assessed by the applicant or the Conservation Officer. Finally, the opinion alleges the Council's Conservation Officer has failed to make a proper assessment both of the impact on the Conservation Area Statement and potentially listed buildings.
- 6.66 The applicant has submitted a written legal Opinion in response to the above. Alongside this, Addendums have been submitted to both the Planning Statement and Heritage Statement. A standalone copy of the Colwall Stone/Upper Colwall Conservation Area Statement referenced within the legal Opinion submitted on behalf of residents has also been submitted by the applicant for completeness and is available to be viewed as part of the planning application documentation. Full re-consultations have taken place since the submission of all of the above additional information.
- 6.67 In terms of the matters raised, it is acknowledged the NDP Bibliography does not reference the 'Designation of Conservation Area; Colwall Stone/Upper Colwall Character Statement. However, as discussed in the Applicant's legal Opinion, this is not conclusive of the matter and the protection of the Conservation Area is clearly front and centre of the NDP. Furthermore, it is noted the Historic England commented positively on the NDP. The below is an extract of the Colwall Neighbourhood Development Plan Independent Examiner's Report Final (Page 14):

"Historic England is supportive of both the content of the document and the vision and aims set out in it. The emphasis on the conservation of local distinctiveness and the protection of the built environment and rural landscape character including important views is highly commendable. We also commend the approaches taken in the Plan to ensuring that the design of new development takes cues from the local vernacular, thus reinforcing local distinctiveness and contributing to the conservation and enhancement of the historic environment. We note that the selection of sites with the potential for new housing development has been positively guided by considerable research including the Village Design Statement (2001) and the Landscape Assessment and associated stage 2 Landscape Sensitivity and Capacity Assessment (Tinkler 2013). This and other documentation produced by the Malvern Hills AONB provides a very thorough evidence base for the policies and proposals put forward.

"It is also clear that specific policies for individual development sites provide for thorough mitigation against potentially adverse impacts upon the rural and built environment including heritage assets and the Colwall conservation area. The consideration of development outside the Development Boundary within the rural environs of Colwall is equally well thought through and well analysed and the detailed policies seeking to ensure the retention and sensitive conversion of historic farmsteads are particularly welcomed".

- 6.68 The Village Design Statement, which was endorsed as a material consideration when dealing with planning matters by Herefordshire Council on 20 April 2001, is also referenced in the NDP Bibliography and includes detailed analysis across various aspects of the conservation area, including analysis with regards to open space in the village, with specific reference to the site.
- 6.69 Concerns are raised regarding the soundness of the Colwall NDP, however the plan is made and forms part of the development plan having been through the necessary plan stages. As discussed above a review of documentation associated with the NDP confirms it is clear potential impacts on the conservation area were robustly considered and well understood as part of the plan and examination process. Furthermore, the plan acknowledges any proposal for new development would have to provide specific assessment of the extent to which it would impact on the historic environment. The application is accompanied by a detailed Heritage Statement, and addendum following matters raised in representations.
- 6.70 The Heritage Statement concludes as follows (Pages 41 to 42):

“The proposals would reduce the extent of open space provided by the site, however the design and siting of the proposed areas of residential development have been carefully considered in order to minimise the level of impact arising to the Conservation Area. Overall, when taking into account all relevant factors, it is considered the proposed development would result in less than substantial harm to the overall heritage significance of the Conservation Area, with this at the lower end of that spectrum.

Less than substantial harm, at the very lower end of the spectrum, is also considered to arise to the Grade II Listed Buildings at the former Grovesend Farm complex, as a result of a change in setting.

No harm is identified to any additional designated heritage assets, via a change in setting.”

- 6.71 Officers concur with the findings of the submitted Heritage Statement and Addendum to Heritage Statement, including its analysis of significance, impacts and level of harm. As such, the requirements of Paragraph 207 are not considered relevant in this case as the level of harm is not assessed as substantial. The County Archaeologist has also confirmed no objections are raised to the proposed development.
- 6.72 Paragraph 208 of the National Planning Policy Framework requires that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use. The level of harm and benefit is a matter which has been referred to in letters of representation. Having assessed the scheme, officers consider there are public benefits arising from the delivery of a mix of housing, including affordable housing, to meet local needs. In addition, enhanced public open space would be delivered and public access to an informed interpretation of the sites history. The less than substantial harm identified is considered to be outweighed by the significant benefits associated with the scheme and therefore the requirements of paragraph 208 are met.
- 6.73 A group of former agricultural and piggery buildings and the remains of a tramway, are located within the southern part of the site and represent non-designated heritage assets. The Statement also notes the NDP refers to the surviving buildings within Area 12 B as an ice works, but due to a lack of identified evidence base and sources have not been identified which confirms their use as an ice works. The Heritage Statement concludes due to their construction, layout and overall poor state of preservation it is not suitable for the existing agricultural and piggery buildings to be retained and are proposed for demolition.
- 6.74 Paragraph 209 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application, requiring a balanced judgement having regard to the scale of any harm to the setting or loss and the

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

significance of the heritage asset. The loss of the piggeries is noted and in many ways regrettable, however, they are not publically accessible, nor are the tramlines. The retention of the tramlines and their interpretation in the area of open space are considered a public benefit. Additionally, a condition requiring a full photographic survey of the piggery prior to demolition is included and a condition requiring a methodology of the tramlines retention to be incorporated into the hard landscaping plan. On the basis of the analysis provided in the Heritage Statement, measures included by way of condition and the public benefit arising from the proposals, the loss of the piggeries and proposal for the tramlines are considered by officers to be acceptable in the context of the effect on these non-designated heritage assets.

- 6.75 The representations and legal Opinions submitted are duly noted and have been discussed above. The proposed development has been assessed in terms of its impact on heritage assets. Taking account of the analysis supporting the scheme and the assessment undertaken in respect of the application proposals, officers consider the layout, density, scale and design of the dwellings, together with the siting of open space, results in a scheme which has an acceptable impact on the conservation area, listed buildings and non-designated heritage assets.
- 6.76 The scheme would reduce the extent of open space provided by the site, which is noted as contributing to the significance of the conservation area. However, officers consider the significance of the open space has been preserved through retention and reinforcement of existing boundary treatment, large areas of open space included within the layout, single storey development in response to site characteristics and low density layout in developed areas. Furthermore, the open space on the boundary of the site that are not being developed, provide a natural buffer between the housing proposed and the adjacent countryside.

Conclusion on heritage matters

- 6.77 It is officers view less than substantial harm would arise to the conservation area, adjacent/nearby listed buildings and non-designated heritage assets on the site. Based on assessment of the proposals and analysis of the public benefits associated with the scheme as discussed above, officers view is the level of harm is considered to be outweighed by the public benefits associated with the proposed development. Those conclusions have been reached in the context of the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Strategy Policy LD4, NDP Policy CD4 and CD7, alongside the requirements set out within Chapter 16 of the NPPF.

Design, Layout and Appearance

- 6.78 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community.
- 6.79 The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application):
- ensuring development proposals make efficient use of land, taking into 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;
 - Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
 - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;

- Ensuring design can be easily adapted; and
 - Utilise sustainable construction methods which minimise the use of non-renewable resources.
- 6.80 NDP Policy CD2 sets out various requirements for new residential development in Colwall. This includes ensuring entrance points are designed to reflect rural context and character, respecting existing building lines, responding to plot size and pattern of development and appropriate individual identity for dwellings. High standards should be reflected in the design, detailing and finishes on all elevations. Furthermore, building materials and design details should be locally appropriate.
- 6.81 NDP Policy CD7 relates specifically to the application site and sets out new buildings should respond positively to the distinctive character of the local area.
- 6.82 Malvern Hills AONB Management Plan 2019-2024 also sets out the vision for the designated AONB and its management. Built Development Guidance has also been prepared by Malvern Hills National Landscapes which includes guidance in respect of Building Design, Colour in Development and Solar Panels.
- 6.83 Chapter 12 of the National Planning Policy Framework relates to 'Achieving well-designed and beautiful places' and seeks to ensure development will function well and add to overall quality of the area. Also, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Additionally, is sympathetic to local character and history, including the built environment and landscape setting. The importance of appropriate amount and mix of development is also referenced, which includes a mix of green and other public spaces.
- 6.84 Objections are raised on the basis the design of the scheme is not high quality, does not respond to the characteristics of the area (including the conservation area) and would represent a harmful addition to the area in terms of design. Furthermore, that it does not meet the requirements set out in the Colwall NDP.
- 6.85 Elements of design have also been considered in the previous sections of this report in the context of landscape and heritage considerations.
- 6.86 The application is accompanied by a Design and Access Statement identifying the factors which have influenced the development strategy for the site, including analysis of the site and surrounding area, research and survey work. The document includes analysis of urban grain, materials, scale, key views and sets out landscape and visual design principles.
- 6.87 The layout comprises access from Old Church Road as required in CD7. A large area of public open space is proposed to the south west of the site and an area to the south. These are also in line with CD7 in terms of reflecting the land which is allocated to be Public Open Space. The 36 dwellings proposed are to be sited in the eastern section of the site. A row of 10 dwellings are positioned backing onto the existing dwellings which front Stone Drive (Plot 10 is adjacent to a property on Stone Close). Four dwellings are sited immediately south of Old Church Road and the remainder positioned around the internal access roads serving the development.
- 6.88 The properties fronting onto Old Church Road have been amended during the assessment of the application. They are sited further back from the road to ensure the protected tree has sufficient space. Design changes have also been made to Plots 35 and 36 to more successfully respond to the characteristics in the area. Plot 1 addresses both Old Church Road and the internal access road to the development. Plots 1, 35 and 36 are bungalows. In terms of Plots 1 to 10, the layout of these units reflects the adjacent pattern of development along Stone Drive which comprises predominantly large detached dwellings (including some bungalows) set within generous plots and set back from the highway. Plots 1 to 10 have been set back from the road and comprise generous rear gardens. Parking spaces and single storey garages are sited between these dwellings which assists in breaking up the row of dwellings in this part of the site.

6.89 Similarly, Plots 11 to 15 also comprise detached dwellings, set back from the access road with generous rear gardens and a sense of space between those dwellings. Plots 16, 17, 23 and 24 are bungalows, positioned to take into account site characteristics and provide good surveillance over the public open space area. Plot 19 is located on a corner plot and includes features for an active frontage to both public facing elevations. It also benefits from a generous rear garden and is set slightly back from the access road to provide planting along the access road. Plots 20 to 22 comprise a terrace of 3 dwellings, however Plot 20 includes area of landscaping to the east which would be visible as you move along the access road into the development. This provides a successful landscaped area in a prominent location within the layout and would provide a sense of openness in this part of the layout. Those properties are also set back from the road, with parking accommodated on plot to the front. To the north of this area, are semi-detached dwellings and one row of terraced properties. The siting of these units is considered to achieve appropriately sized rear gardens, a sufficient set back from the roads and successful spacing between the dwellings to ensure that despite this being a more dense area of the development layout, the characteristics of the area are achieved, whilst still providing a mix of housing as is also required.

6.90 In terms of scale, the proposed development comprises a mixture of single and two storey dwellings. The majority of the dwellings proposed are two storey, with seven single storey properties positioned to take account of the site's characteristics and topography. It is considered the placement of the bungalows responds positively to the characteristics of the site and surrounding area. The scale of the two storey dwellings in their context is considered acceptable, and respects the surrounding character. The buildings in the village exhibit a great variety of styles. In terms of the dwelling types, a total of seven different housetype designs are proposed across the site which provide variation across the scheme. The variation in scale also adds to this. Details such as strong triangular shaped gable, stepped brickwork, horizontal brick cladding, window surrounds and stone cills have all been included within the house type design. At the request of the Building Conservation Officer, chimneys have also been added to the scheme. These are considered to add additional architectural detail characteristic of the local area and provide variation across the roofscape. The Village Design Statement recognises the setting of the village is enhanced by a variety of rooflines created by development. Again, the variation in scale also contributes to this. Based on analysis provided within the DAS, the mix of housetypes and architectural features are considered to respond positively to the distinctive character of the local area. There will be some boundary treatment removal required to facilitate the proposed access, but overall the proposals incorporate the retention and enhancement of existing boundary vegetation and new hedging. Evergreen hedging is a common boundary feature in the area. Close board fencing is used in a limited manner for internal plot boundary division which is considered acceptable. An illustrative Street scene (Rev E) has been provided and is inserted below:



6.91 The Landscape Officer's comments initially raised concerns regarding the level of variation in housetypes and spacing on the basis this is contrary to the surrounding settlement pattern. Some amendments have been made to the scheme since those comments were made, but for the reasons set out in detail above, it is considered the scheme does successfully respond to settlement pattern.

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- 6.92 Additional details for the pumping station have been submitted during the course of the application, including confirmation this is to be screened. The submitted details confirm that as the size and appearance of the pumping station are not yet known, the submitted plans cover the maximum specification that might be required. The siting of the pumping station is considered acceptable in principle, as is the approach in terms of planting.
- 6.93 Malvern Hills AONB Management Plan 2019-2024 also sets out the vision for the designated AONB and its management. Built Development Guidance has also been prepared by Malvern Hills National Landscapes which includes guidance in respect of Building Design, Colour in Development and Solar Panels. The Design and Access Statement includes analysis of Colour and Materials. In principle, the palette of materials is considered acceptable, however given the sensitivities of the site, and as suggested by the Building Conservation Officer, additional details can be secured by way of condition. External lighting can also be minimised and additional details are to be provided by way of condition. The Design and Access Statement references PV panels are to be included on the proposed dwellings, however specific details have not been provided. Further details would be required to ensure the panels proposed are appropriate in the context of the character of the area and landscape and this again can be secured by way of condition.
- 6.94 Following analysis of the scheme, is it considered the density, siting, layout and design respects the existing local settlement pattern and vernacular. This ensures landscape and scenic beauty in the AONB is conserved and enhanced, together with the character and appearance of the Conservation Area. The application is considered to accord with the requirements set out in CS Policy SD1, NDP Policies CD2 and CD7 and Chapter 12 of the NPPF.

Amenity

- 6.95 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and 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. Paragraphs 189 to 194 of the National Planning Policy Framework also relate to ground conditions and pollution.
- 6.96 There are no triggers which would require the submission of details with regards to air quality, In terms of land contamination, the application is accompanied by a Phase I Desk Study Report. The Council's Contaminated Land Officer has been consulted regarding the proposals and confirms the Preliminary Risk Assessment (Desk Study) considers a Phase II Intrusive Site Investigation should be undertaken to quantify risks and address uncertainties identified. On that basis conditions have been suggested prior to the commencement of development to cover any additional detail required in respect of contaminated land.
- 6.97 A number of residential amenity concerns have been raised within submitted letters of representation including a representation from Hopyard Cottage which lies immediately west of the application site, with its eastern and southern boundaries abutting the site. Amenity concerns in respect of impacts on Hopyard Cottage include the difference in levels between the application site and adjacent cottage, which sits an average of one metre below the application site. Additionally, the proximity of windows serving the existing dwelling and the site boundary. Loss of light, loss of a view and overall security of the adjacent residential dwelling are also raised, as is the potential increased fire risk from the use of the adjacent land as public open space. Proposed boundary treatments and maintenance arrangements for the open space have been queried.
- 6.98 Representations have also been received from properties surrounding the application site, including on Stone Drive. Concerns raised relate to increased overlooking, loss of privacy including the existing rear gardens, and loss of light and increased noise and disturbance.

6.99 Site visits have been carried out to assist in assessing the amenity impacts on adjacent occupiers. Those visits have included an assessment from within the application site and visits to some properties adjacent to the site, at the request of those occupiers. Applegate on Stone Drive and Hopyard Cottage have been visited.

6.100 The proposed residential dwellings are to be located to the eastern section of the site. In terms of immediate residential dwellings surrounding the site, plots 1 to 9 back onto the properties fronting onto Stone Drive and Plot 10 is adjacent to Stone Close. Plots 25, 26, 36 and 37 abut the boundary of the Barn House. The open space to the south west of the site abuts Hopyard Cottage. Residential properties along Stone Crescent are separated from the residential development by the public open space at the south. (Block Plan Extract Below for ease)



6.101 Plot 1 is positioned closer to its rear boundary with Pembroke Lodge, however Plot 1 is a bungalow and the distance to the boundary is considered acceptable in this context. In terms of Plots 2 to 10, it is acknowledged the outlook from the existing properties/rear gardens along Stone Drive in particular will be altered as a result of the introduction of residential dwellings where the outlook is currently over agricultural land. However, the row of properties to the east of the site comprise generous rear gardens, allowing for sufficient distances from first floor windows to rear

boundaries to ensure there is no unacceptable overlooking or loss of privacy from the proposed dwellings. This includes ensuring rear gardens of existing properties are not unacceptably overlooked by first floor windows. The proposed plot sizes and scale of buildings proposed also means those dwellings will not result in an unacceptable loss of light or overbearing impact to adjacent properties. The same can be said for Plots 25, 26, 36 and 37.

- 6.102 With the land currently in agricultural use, some of the properties along Stone Drive currently benefit from lower, more open boundary treatments, which offer those properties less privacy to rear gardens than might normally be found between residential dwellings. The application documentation confirms where existing hedgerow along the boundaries will be retained and new hedgerow is proposed to be planted. The boundary treatments for the existing residential dwellings will be altered through the new planting, however, that is considered acceptable and will ensure an acceptable degree of boundary privacy to both the new occupiers and the existing. The outlook for existing dwellings adjacent to the site will change, but as a result of the layout and scale, this change will not result in an unacceptable loss of visual amenity or outlook.
- 6.103 In respect of concerns regarding noise and disturbance, there will be residential activity at the site where it is currently agricultural, but based on the siting of the proposed residential dwellings adjacent to existing residential dwellings, the proposed residential dwellings are considered entirely compatible.
- 6.104 In terms of Hopyard Cottage, the public open space is to be located adjacent to this property in the part of the site designated as public open space. Whilst there is likely to be an increase in activity as a result of public access to the designated open space, the use is compatible adjacent to residential dwellings and is not considered to give rise to any unacceptable amenity impacts. Hopyard Cottage currently comprises lower boundary treatment in some areas to enable views beyond the properties boundary onto the adjacent agricultural land beyond the properties extent of ownership. The development proposes the retention of existing hedging and proposed hedgerow planting which will is considered to provide an appropriate level of privacy and acceptable in terms of its effects on this dwelling. A condition has also been included to secure further details in respect of boundary treatments across the site.
- 6.105 Although there will a change for existing dwellings abutting the site, based on the site layout and scale of the proposed dwellings, the scheme is not considered to result in any unacceptable impacts in terms of the following- loss of light, loss of privacy, increase in noise and disturbance, visual amenity or overbearing impacts.
- 6.106 The requirements of Core Strategy Policy SD1 in respect of land contamination and residential amenity are therefore considered to be met.

Transport and Highways

- 6.107 Core Strategy Policy SS4 explains 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.
- 6.108 Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:
- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
 - Encourage travel behaviour through use of travel plans;

- Ensure developments are 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 emergency services;
- Protect existing local and long distance footways, cycleways and bridleways;
- Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.

- 6.109 Colwall NDP also contains policies which reference site layout and access design. NDP Policy CD2 identifies access from the highway and site entrance points should be designed to reflect the rural village context and should meet Herefordshire's Council's Design Guidance. In addition, car parking should be fully accommodated within the site and not dominate the street scene. Electric vehicle car charging points should be included and provision for secure cycle storage.
- 6.110 NDP Policy CD7 also stipulates specific requirements in respect of development on the site. This includes access to the site from Old Church Road, a safe and surfaced (suitable for use all year) pedestrian and cyclist links or links to the amenities and facilities of Colwall Village should be provided.
- 6.111 Chapter 9 of the National Planning Policy Framework also includes guidance in respect of promoting sustainable transport. Paragraph 114 identifies that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) 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
 - d) 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.
- 6.112 Paragraph 115 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.113 Paragraph 116 then goes onto say, within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.114 Paragraph 117 confirms that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 6.115 The application is accompanied a Transport Assessment. The Local Highway Authority has been consulted on the application and provided the following comments within their first consultation:
- 6.116 The local highway authority (LHA) has the following comments:
- *The LHA is accepting of the proposed footway plans along Old Church Road between the site and Stone Drive as it would enable more vulnerable residents who may not be confident to walk in the carriageway to access the rest of the village on foot. However, the footway should be delivered via S278 rather than S106.*
 - *The access is designed as per our Highway Design Guide and provides visibility splays that are in correlation with the results of the speed survey. Therefore the access is considered to be acceptable.*
 - *Visibility splays of 2.4m x 33m should be provided at all internal junctions.*
 - *2m x 2m vision splays should be provided at all driveways as it is noted that planting appears to be adjacent to the driveways which may hinder visibility, nothing over 0.6m in height should be placed within the splays.*
 - *The whole of the area within the forward visibility splay on the bend will have to be adopted, therefore the line of the footway should follow the edge of the visibility splay.*
 - *It is noted that a 2.5m strip of planting is provided alongside the eastern footway/cycleway through the site. The LHA will not adopt this area.*
 - *All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied if Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.*
 - *It is noted that the 2.5m wide footway/cycleway terminates at the south-western edge of the site where it meets footpath CW30. In order not to preclude the future development of a footway/cycleway towards the school the stretch between the termination of the site footway/cycleway and the edge of the land to the south (assumed to be in separate ownership), as shown in yellow below, should be a 2.5m tarmac surfaced path and be included within the red line.*
 - *The LHA confirmed it would only wish to adopt the footways alongside the main carriageway and through the site and an additional footpath to the south west of the site.*
- 6.117 Submitted representations raise concerns in respect of highways, including highway safety, increased traffic on Old Church Road and surrounding roads and number of accidents within the area. Concerns have also been raised in terms of the deliverability of proposed footpath works based on the width of Old Church Road and a lack of proposals to meet the conditions relating to pedestrian and cycle access as set out in the NDP. Ledbury Area Cycle Forum has also provided a detailed objection to the application raising issues including increase in road traffic tipping the balance in terms of space sharing. Concern dog walkers, pedestrians and cyclists will feel intimidated and discouraged. The footpath has also been raised within the objection as potentially encouraging traffic speeds to increase. Further areas raised within the representation include existing issues with the surrounding road network, including along Stone Drive and insufficient cycle storage.
- 6.118 Herefordshire Ramblers has confirmed in a consultation response it raises no objection.
- 6.119 A Technical Highway Note was submitted in July 2023 addressing the queries raised by the Local Highway Authority including access and off site works, internal visibility, shared private drives and internal footway/cycleway. Swept Path Analysis is also included for panel van and tanker, refuse vehicle and fire tender. The Technical Note addressed the majority of the matters raised by the LHA, however the deliverability of off-site highway works required further discussion. A site meeting was held between the Planning Officer, Local Highway Authority, and the Applicant,

Applicant's agent, Arboricultural Consultant and Highway Consultant. The purpose of the meeting was to consider the deliverability of off-site highway works given the matters raised within submitted representations in respect of existing boundary vegetation and the width of the highway, Measurements were taken during the site meeting to inform discussions on the deliverability of a footpath along Old Church Road. Following the meeting, an updated topographical survey was undertaken and an updated Transport Statement and accompanying Arboricultural Technical Note were submitted in March 2024. A full re-consultation has taken place on the basis of the revised and additional documentation received in March 2024.

- 6.120 The Local Highway Authority have provided a further re-consultation response which reads as follows:

“Following an on-site meeting with the Applicant’s Team and a further topographical survey being undertaken revised plans for the proposed footway on Old Church Road have been produced. The south-western part of the footway scheme remains at 1.2m, however, following the revised topographical survey a footway of only 0.9m in width is achievable to the eastern end in the vicinity of Stone Drive. Whilst this is narrower than the local highway authority would have preferred it is still considered to be an acceptable width to accommodate wheelchair users as stated within Manual for Streets. It is accepted that the majority of residents from the site would be comfortable walking in the carriageway of Old Church Road given it’s lightly trafficked nature, even with the additional traffic generated by the development. However, a site should be accessible for all users and therefore the inclusion of a footway helps to facilitate vulnerable users to access the services within the village.

The local highway authority has no objection to the application subject to the inclusion of the below conditions.

Conditions: CAB (as per drawings SK01 Rev D and SK06 Rev E by Rappor), CAD (no access gates), CAE, CAH, CAJ, CAP (footway along Old Church Road as per drawing SK05 Rev C by Rappor), CAT, CB2

Informatives: I11, I09, I45, I08, I07, I05, I43, I49, I54, I51, I47, I35”.

Please note that the plans referred to above can be found in the Transport Statement (March 2024): <https://myaccount.herefordshire.gov.uk/documents?id=2585cbc2-ec19-11ee-907c-005056ab11cd>

- 6.121 Proposed vehicular access to the site is via Old Church Road, in accordance with NDP Policy CD7. It is noted a section of the proposed footpath to be delivered by Section 278 Highways Agreement would be reduced in width to that initially proposed to ensure deliverability. However, the amendment remains acceptable based on the assessment undertaken by the LHA. The provision ensure safe links to the amenities in the village for all road users. The applicant has provided footway/cycleway links within the site across the public open space to the south western corner of the site, where there is an existing Public Right of Way. The PROW Officer has confirmed no objection is raised, but footpath CW30 is a footpath only, so it would not be acceptable for cycles to exit onto the existing PROW network in this location. The land including the PROW to the south west is not in the control of the applicant and therefore the application does not propose alterations to this footpath. Residents of the site would be able to use the existing public footpath on foot, should they choose to access the amenities of Colwall via this route. Alternatively the route via Old Church Road is also available which includes a route for cyclists to the services and amenities of the area.
- 6.122 Whilst concerns raised have been noted and considered as part of the assessment of the application, the transport surveys undertaken in connection with the scheme including the Technical Note (March 2024), Updated Transport Assessment (March 2024), and analysis of the highway impacts of the proposal, demonstrate the proposed development is acceptable from a highways perspective. Conditions have been suggested to secure agreed details or secure any

additional detail required including full details of cycle provision within the curtilage of the proposed dwellings.

- 6.123 Overall, the proposed development and off site proposals are considered to be in accordance with Core Strategy Policies SS4 and MT1, NDP Policies CD2 and CD7, and Chapter 15 of the National Planning Policy Framework. The guidance in terms of Manual for Streets and Herefordshire Design Guide for New Development. Appropriate conditions are suggested.

Drainage and Flooding

- 6.124 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality. SD3 sets out measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. SD4 seeks to ensure development does not undermine the achievement of water quality target for rivers within the county, in particular through the treatment of waste water. The policy sets out a hierarchy in terms of the approach to wastewater. In the first instance, developments should seek to connect to the existing mains wastewater infrastructure.

- 6.125 Chapter 14 of the National Planning Policy Framework relates to meeting the challenge of climate change, flooding and coastal change. Paragraphs 165 to 175 deal with planning and flood risk. Paragraph 173 sets out when determining any planning application, 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. Paragraph 175 identifies major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.

- 6.126 A high volume of the objections and further objections submitted raise continuing concerns regarding flooding and drainage. Photographs have also been provided showing sewage spill taking place in the area and surface water issues. Key themes raised within submitted letters of representation have been summarised below:

- Surface water run-off and drainage issues – including potential increase to nearby properties and surrounding area;
- Deliverability of development as a result of drainage risks;
- Severn Trent comments are a concern and lack of correct modelling to confirm a solution, capacity of sewage works serving Colwall. Sewage spill taking place;
- Risk of sewage overflow and pollution – already taking place in area;
- Alarming high levels of phosphate pollution in Cradley Brook downstream of the local sewage works;
- Concerns regarding foul sewage, lack of a resolution on foul sewage issues and impact on local water supply guarantees;
- Evidence of drainage/sewage overflow submitted;
- Drainage matters considered unresolved;
- Only way to avoid the pollution threat is to refuse planning permission since the developer has a right to connect once planning permission granted, even if STW have not undertaken work to handle additional flow;
- Condition suggested by Severn Trent is inadequate;
- Essential planning permission refused unless Severn Trent confirm they are able to accommodate the development.

- 6.127 The application is supported by various drawings and technical documentation which informs the proposed drainage strategy.

- 6.128 Both the Lead Local Flood Authority (Land Drainage) and Severn Trent have been consulted on numerous occasions in connection with this application and provided various comments. Those consultation responses can be viewed in Section 4.3 (Severn Trent) and 4.11 (Land Drainage) of this report.
- 6.129 It is noted Land Drainage original consultation response refers to a 41 dwellings, and not the 36 proposed. The application drawings and technical documentation provided in respect of drainage relates to 36 dwellings and that is the information upon which the proposed development has been assessed. The correct number of 36 dwellings is also referred to within subsequent consultation response from Land Drainage.
- 6.130 The site is confirmed as having a low probability of fluvial flooding, being located in Flood Zone 1. Due to the size of the site (over 1ha), in line with the NPPF, a Flood Risk Assessment accompanies the application.
- 6.131 The FRA acknowledges the watercourse which flows along the settlement boundary, is culverted upstream, which is said to restrict flood flows. The open channel will have the capacity to direct flows past the site.
- 6.132 In terms of surface water flood risk, the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not located within an area at risk of surface water flooding. However, there are multiple surface water flow routes located across the site due to the topography, flowing east to west. The higher risk flow route identified across the southern area of the site is associated with the Oak Drive and Stone Close access roads, as well as the surface water flow route associated with the ordinary watercourse. No dwellings are proposed to be located near this flow route.
- 6.133 The overland surface water flow route across the centre of the site is acknowledged within the FRA and stated to be a low to medium flow route across the centre of the site and is estimated to potentially cause flooding to depths between approx. 150-300mm. Land Drainage confirms awareness of an existing highways storm drain to the east of the site which appears to follow this surface water flow route. In order to inform its assessment of the scheme, Land Drainage visited the site and provided detail comments and photographs. Initial comments set out that it was not evident from the originally submitted FRA that full consideration had been given to flood risk posed by the surface water flow route. The comments also stated that a surface water discharge to ground must be prioritised before alternative solutions can be considered and therefore site specific infiltration would be required.
- 6.134 Based on the findings of the site visit and the original submission documentation, Land Drainage requested the following information:
- Submission of a revised Flood Risk Assessment which fully acknowledges the surface water flow route across the centre of the site associated with a culverted land drain. The above advice should be considered, and the site layout reconfigured appropriately;
 - Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
 - Submission of a revised surface water drainage strategy in line with the above advice.
 - Evidence of acceptance from Severn Trent for the proposed foul water connection to the public sewerage system.
 - Clarification of the adoption/ownership proposals for both the surface and foul water drainage system.

6.135 The original Land Drainage consultation response also acknowledges Severn Trent were undertaking enquiries to confirm whether a connection to the public sewerage system can be accommodated and a Type 3 pumping station is proposed to achieve connection.

6.136 Following the above, additional information has been submitted and further Land Drainage consultations provided. Following various queries raised by the Land Drainage team and additional documentation submitted by the applicant, the latest comments confirm the following:

Surface water drainage

- Infiltration testing at the site confirms surface water discharge to ground is not viable;
- Three attenuation basins are proposed due to the significant change in topography in the south-western corner of the site (approx. 4m). It is stated that this design would also allow for permanent water levels within the north-western (Basin C) and southern basin (Basin A);
- The surface water drainage system has been designed to accommodate a 1 in 100yr + 40% CC event with a 10% allowance for urban creep; the supporting calculations have been provided. It is proposed that the offsite discharge will be limited to 4.4l/s (QBAR rate) via a 100mm diameter HydroBrake fitted to the outfall from Basin A;
- Surface water will initially discharge to online attenuation basin 'B' (depth of 1.2m and total storage volume 240m³);
- A 110mm diameter HydroBrake is proposed downstream of the basin to limit the discharge to 5.9l/s and will include an overflow weir. This will allow the surface water to back up into basin 'C' for additional storage (total storage volume of 280m³ at a depth of 1.2m and has been designed to maintain a permanent water level. Basin 'A' has a total storage volume of 259m³ at a depth of 0.9m and has also been designed to maintain a permanent water level. The final discharge from this basin (A) is limited to 4.4l/s via a 100mm diameter HydroBrake before entering the existing local watercourse located along the southern site boundary;
- We note that the cover levels of the proposed HydroBrake manholes have been amended accordingly to accommodate the overflow weir and the 'Drainage Strategy' drawing has been revised to demonstrate this.
- All surface water drainage infrastructure will be proposed for adoption to the water authority. The connections to the adopted systems (surface and foul water) from the plots and private drives will be privately maintained by the respective homeowner.

Foul Water Drainage

- Note a foul pumping station is proposed, built to adoptable standards and located to allow tanker access.
- Severn Trent have provided further comments reiterating their concern regarding the impact of the development on their own sewerage system. However, they state that they have a low level of confidence in the hydraulic model used to inform their study. As such, they demonstrate intentions to undertake further work to develop the model to improve the level of accuracy however it is noted that this may take some time. This in turn may demonstrate the quantum of any impact the development may have.
- Severn Trent have concluded that they cannot currently substantiate their objection. They have requested that should the development be approved, they would be satisfied or a condition to be applied.
- As such, Land Drainage has removed objection regarding the foul water drainage proposals given that a connection to the Severn Trent public foul sewer will be accommodated.

6.137 The LLFA has confirmed it raises no objections to the proposals.

6.138 Severn Trent, has provided a number of consultation responses. In April 2023, a holding objection was request was received until additional information submitted regarding pumped flow rate and confirmation of discharge of Surface Water to nearby watercourse. Severn Trent confirmed once that information provided, it would be in a position to raise a Modelling Request determining effect of the proposal on the network. In September 2023, following submission of further details, a further consultation response was received from ST confirming no objection raised as modelling demonstrated a low impact. In November 2023, ST advised further investigation would be required and in January 2024, a further response was provided confirming the results of the

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Modelling Report indicated a predicted risk of flooding and pollution and a further holding request was submitted. In February 2024, Severn Trent subsequently confirmed it was in receipt of its Sewer Capacity Assessment, which predicts a potential high risk of pollution but provided no detail to determine the specific implications of the proposed development. Officers discussed the February 2024 response with ST as it was considered further detail was required in connection with the objection raised to assess the planning application. In their most recent consultation response (dated March 2024), ST confirms the following:

“I refer to our recent discussions regarding the proposed development at Old Church Road, Colwall.

As you are aware, our current objection is based on the findings of our initial SCA. However, after further consideration it has become clear that the hydraulic model on which the study is based is one in which we have a low level of confidence (it is often only after having carried out a SCA that the quality of the model becomes clear) and consequently we must now undertake work to further develop the model to a greater level of accuracy.

This additional work will involve survey work on site and consequently will take at least twelve weeks to complete. When all necessary work has been carried out we will be happy to share the findings with you. This being the case, whilst we still have concerns over this development, Severn Trent cannot substantiate our current objection and appreciate you may need to approve the application. If you decide to do so, we ask for the approval to be conditioned as follows:

The development hereby permitted shall not commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

REASON:

To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution”.

- 6.139 The applicant provided a Technical Note (dated March 2024) in response to Severn Trent’s consultation responses. The submitted note draws attention to Severn Trent’s statutory duties under the Water Industry Act 1991. The site is allocated for residential development and therefore, the Technical Note sets out Severn Trent should have planned and implemented the work necessary to ensure the satisfactory operation of their network to accommodate the development. The response also notes there would be a lead in time for implementation of the development, including finalising of S106, discharging pre-commencement conditions and obtaining the necessary technical approvals (including highways and sewers). Furthermore, foul flows from the development would be pumped, and the pumping arrangement could be configured to mitigate against the failure to adequately upgrade and adapt the network, such as pumping outside of peak flows or reducing the pump rate until such time as the necessary improvement works are carried out. Severn Trent’s latest response confirmed it cannot substantiate its objection and noting the position outlined by the applicant in the submitted Technical Note, officers do not consider it would be reasonable to withhold planning permission where the responsibility to undertake the necessary works is covered by legislation outside of the planning remit.
- 6.140 Concerns raised within letters of representation have been considered as part of the assessment of the acceptability of the drainage strategy. Additional clarification requested by the LLFA has been provided and as set out above, the LLFA is now in a position to confirm the details provided are acceptable and no additional information is required prior to the grant of planning permission. Therefore, the strategy proposed is considered acceptable to accommodate for the requirements of the development in terms of flooding and drainage. Severn Trent has confirmed it cannot substantiate an objection to the development and has requested the above condition to ensure the development is provided with a satisfactory means of drainage and to reduce the risk of

exacerbating a flooding problem and to minimise the risk of pollution. The suggested condition is included and provides scope for agreement of further details in terms of a drainage connection and any mitigation in terms of pumping outside peak flows or reducing pumping rates.

- 6.141 Overall, officers consider with the addition of the condition and specified reason suggested by ST and on the basis of the detailed responses provided by Land Drainage, the proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4, the Colwall NDP and guidance within Chapter 14 of the NPPF.

Ecology and Biodiversity

- 6.142 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. NDP Policy CD7 also set out requirements to retain, protect and enhance ecological habitats and where possible restore areas of traditional orchards. Important sites, habitats and species shall be retain and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 6.143 The application is accompanied by an Updated Preliminary Ecological Appraisal, which has been prepared by Cotswold Wildlife Services and a Biodiversity Compliance Checklist. As a result of species discussed within the report, certain parts of the Preliminary Ecological Appraisal are redacted.
- 6.144 It is noted that the national requirement for 10% Biodiversity Net Gain (BNG) became mandatory for applications submitted on or after 12 February 2024. This application was submitted in February 2023, well before day one of mandatory BNG and is therefore exempt from the 10% BNG requirement, however the application is accompanied by a Biodiversity Net Gain Assessment demonstrating the level of habitat loss and enhancements to be delivered through the proposal which has been considered alongside the application proposals in respect of ecology and biodiversity.
- 6.145 Consultations have taken place at various stages during the consideration of the application with the Council's Ecologist and Natural England. Herefordshire Amphibian and Reptile Team submitted a representation on the original submission, raising concerns in connection with the environment and its wildlife, including on Great crested newts and other threatened species. Representations have also been received from local residents which raise concerns regarding wildlife and ecology, including impact on species.
- 6.146 Subsequent to the original submission, bat surveys and reptile surveys were carried out, and the Updated Preliminary Ecological Appraisal in August 2023 contains the findings of these surveys and recommendations in response to ensure that birds, bats, reptiles and amphibians are not harmed by the proposed development.
- 6.147 Natural England has confirmed it considers the proposed development will not have significant adverse impacts on designated sites and has no objection. In respect of the Malvern Hills Site of Scientific Interest, NE's consultation response confirms based on the plans submitted, the proposed development is not considered to damage or destroy the interest features for which the site has been notified and has no objection. Advice has also been provided in terms of ensuring national and local policies, together with local landscape expertise and information to determine the proposal. Finally, NE has advised Standing Advice should be applied in respect of protected species and development.
- 6.148 The Council's Ecology Officer provided an initial consultation response requesting further information. Additional information was submitted in response which included additional optimal surveys. The Council's Ecologist provides a detailed analysis of the submitted information within their latest consultation response. In summary, the response confirms the ecology report includes full consideration of all recent records of protected species and species of national or local

interest, including those submitted by representations made by local residents. Any effects on local protected species will be limited to construction of the development and all wildlife can be protected during this phase using the appropriate risk avoidance measures that can be secured as part of a wider Construction Environmental Management Plan (CEMP). In the longer term it is considered the wildlife friendly habitats are increased and extended and appropriate management can be secured through a detailed Landscape Ecological Management Plan (LEMP) and relevant legal controls over the future private management of all shared open space and features on the site. The comments note specific enhancement can also be secured by condition (including suitably located bat and bird boxes, insect hotels, hibernacula for a range of wildlife and hedgehog homes/hedgehog highways). External lighting can also be minimised so as to protect the local intrinsically dark landscape and the nocturnal and light sensitive species present in the locality.

- 6.149 Based on the information which has been submitted in connection with Ecology and comments received from Natural England and the Council's Ecologist, the proposal is considered acceptable in terms of its ecological impacts in the context of LD2, guidance contained in the NPPF and NE's Standing advice, subject to the various conditions suggested which are included within this recommendation.

Trees

- 6.150 Core Strategy Policy LD1 relates to landscape and townscape and seeks to maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of tree lost through development and new planting to support green infrastructure. Core Strategy Policy LD3 relates to green infrastructure and sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
3. Integration with, and connection to, the surrounding green infrastructure network.

- 6.151 NDP Policy CD2 relates to new residential development and in respect of trees seeks to ensure development proposals incorporate landscape proposals which protect and enhance the distinctive local landscape character, incorporate landscaping species character of the village (including fruit trees) and should retain and enhance existing boundary hedges and hedgerow trees, between and around plots. Furthermore, buildings should also be sited within plots with capacity to allow the growth of vegetation and tree cover along roadsides is encouraged, but sight lines should be retained.

- 6.152 Policy CD7 also sets out locally important vegetation along Old Church Road including mature trees should be retained and protected, and if loss is unavoidable, landscape schemes should replace with the same or similar species. Part 10 of CD7 also refers to a buffer zone of native trees, shrubs and secure fencing.

- 6.153 Chapter 12 of the NPPF also recognises the important contribution trees make in terms of the quality of the environment and mitigating against climate change.

- 6.154 The application is accompanied by a Landscape and Visual Impact Assessment, Tree Impacts and Tree Protection Method Statement, Biodiversity Net Gain Assessment, Illustrative Landscape Sections and Boundary Treatment Plan. The Tree Impacts and Tree Protection Method Statement details existing trees on the site including any removal and management recommendations, as well as recommendations in terms of new planting. It also takes into account various potential tree impacts such as shading, falling material, below ground conflicts.

- 6.155 Representations have raised concerns in terms of impact on existing trees including the impact on a mature oak tree within the site.
- 6.156 The Council's Tree Officer has been consulted on the application proposals and associated documentation. The initial consultation response raised concerns regarding a mature oak tree which is protected by Tree Preservation Order (Ref: T43). Specific issues related to the siting of the access road and mitigation measures proposed in the Tree Report which were not taking into account in the drawings. The Tree Officer confirmed the preference would be for the access road to be positioned further south to avoid the need for 'no dig' and damage to the tree.
- 6.157 In response, the application proposals have been amended moving the development away from the mature oak tree and the Tree Officer is in a position to confirm initial objection no longer stands. The Tree Impacts and Tree Protection Method Statement includes details regarding Tree Protection and a request has been made that these are conditioned. A suitably worded condition is included in this recommendation. The Tree Impacts and Protection Method Statement also refers to extensive new tree, shrub and hedge planting which can be provide mutual screening, habitat and landscape interest, referencing a detailed landscape plan will be needed in this respect. A condition has also been included to encompass full details of new planting.
- 6.158 On the basis of the detailed analysis accompanying the application and the comments of the Tree Officer, the development proposed is considered acceptable in terms of its impact on trees in the context of CS Policies LD1 and LD3, NDP Policies CD2 and CD7, and guidance contained within the Framework. A detailed landscaping scheme can be secured by way of condition to ensure appropriate new tree planting is secured.

Affordable Housing and Housing Mix

- 6.159 Policy H1 of the Core Strategy establishes the need to provide 40% affordable housing on a scheme in this location. Additionally, Core Strategy Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.160 Policy H3 requires residential developments to provide a range and mix of housing which meet the following:
1. Provide a range of house types and sizes to meet the needs of all households, including younger single people;
 2. *Provide housing capable of being adapted for people in the community with additional needs;*
And;
 3. *Provide housing capable of meeting the specific needs of the elderly population by:*
 - *providing specialist accommodation for older people in suitable locations;*
 - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;*
 - *ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.*
- 6.161 The policy identifies the latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.
- 6.162 Colwall NDP Policy CH1 seeks to ensure residential development should contribute towards a range of and mix of housing to support balanced and inclusive communities. This includes providing a range of house types and sizes to meet the needs of all households, providing housing which is capable of being adapted for people with additional needs and providing housing capable of meeting the specific needs of the elderly population.
- 6.163 The National Planning Policy Framework also sets out requirements in terms of delivering a sufficient supply of homes at Chapter 5. Paragraph 66 sets out where a major development

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involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified needs of specific groups. There are also exemptions where this 10% requirement should be made which are set out at a) to d) of Paragraph 66.

- 6.164 A total of 22 open market dwellings and 14 affordable dwellings are proposed across the site. The mix of properties is as follows:
- 7 detached bungalows (7 x 2 bedroom);
 - 17 detached dwellings (9 x 3 bedroom and 8 x 4 bedroom);
 - 6 terraced properties (2 bedroom); and
 - 6 semi-detached (4 x 3 bedroom and 2 x 2 bedroom).
- 6.165 40% of the 36 dwellings proposed equals 14.4 dwellings. The Affordable Housing SPD which supports and provides additional context to CS Policy H1 confirms that, when calculating the required amount of affordable housing, any figure below 0.5 will be rounded down to the nearest whole number; therefore the proposal meets the Policy H1 requirement for 14 affordable dwellings.
- 6.166 The Council's Housing Officer provided consultation responses in respect of the proposals. The affordable housing percentage (40%) has been confirmed as meeting the requirements of Core Strategy H1. The proposed tenure, housetypes (which includes bungalows) and mix of 2, 3 and 4 bedroom properties accords with H3 of the Core Strategy, together with Colwall's NDP. The proposed scheme is also providing First Homes which will have a 30% discounted off the open market value and will be available to first time buyers with a local connection to Colwall. A wheelchair accessible bungalow is also included to meet a proven need.
- 6.167 Whilst the Housing Officer made initial comments in terms of the size of the affordable housing units not being in line with nationally described space standards, it has since been acknowledged the development plan does not include affordable housing space standards and therefore the objection raised on this matter has been removed.
- 6.168 The affordable units would need to be secured via a Section 106 Agreement and allocated to those with a local connection to Colwall in the first instance. Overall, the proposed development accords with CS Policies H1 and H3, NDP Policy CH1, together with Chapter 5 of the Framework.

Sustainability and Climate Change

- 6.169 CS 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. NDP Policy CRE1 relates to renewable energy schemes and sets out new development should incorporate low carbon energy and energy efficiency technologies where this would be in keeping with local landscape character.
- 6.170 Herefordshire Council 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.
- 6.171 The proposed development is located within the settlement boundary for Colwall and benefits from good access to a range of facilities and opportunities to utilise a number of sustainable travel modes (including train station, bus links and pedestrian and cyclist travel options).

- 6.172 A Climate Change Checklist accompanies the application and the Design and Access Statement contains further details in respect of sustainability at Pages 35 to 37.
- 6.173 Submitted documentation confirms measures have been incorporated into the buildings to reduce energy demand, including, optimising passive solar gain, a fabric first approach to design and construction, energy efficient lighting and controls and inclusion of on-site renewable energy generation. Solar panels are to be provided on site and Electric Vehicle Charging Points to each dwelling.
- 6.174 Conditions have been included within this recommendation to secure further specification and siting details for EV charging points, alongside details in terms of cycle parking provision. Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

Minerals and Waste

- 6.175 A Minerals and Waste Local Plan (MWLP) was adopted in March 2024 and guides mineral extraction and the management of waste in Herefordshire up to 2041 and beyond. The plan replaces the saved minerals and waste policies of the Unitary Development Plan.
- 6.176 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. In order to address the requirements of Policy SP1, it is considered that should the application be approved, a Resource Audit will be required to set out end of life considerations for the materials used in the proposed development. An appropriately worded condition has been suggested to secure the required information.

Waste - Refuse and Recycling

- 6.177 The Council's Refuse and Recycling team has been consulted but a formal response has not been received. The refuse strategy is based on each dwelling storing refuse and recycling bins on plot and presenting at the roadside on bin collection days. Road access has been tracked to ensure suitability for refuse vehicles, with the relevant tracking drawings appended to the Transport Statement.
- 6.178 It is considered adequate provision has been made within the layout for refuse and recycling but a condition has been included within the recommendation to confirm arrangements.

Planning Obligations

- 6.179 Core Strategy Policy ID1 relates to infrastructure delivery and identifies provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities. The Planning Obligations Supplementary Planning Document and Affordable Housing Supplementary Planning Document both provide the details of the type and scale of obligations that may apply.
- 6.180 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 6.181 Consultation comments have been provided in respect of certain requirements, for example for open spaces, health care provision and education. These are set out within Draft Heads of Terms as included within the table below:

Infrastructure	Quantum of contribution
Affordable Housing	<p>14 of the residential units will be affordable dwellings intended for occupation as First Homes, Social Rented Shared Ownership, Discounted Market or Rent with local priority to Colwall parish followed by Herefordshire.</p> <p>1 of the social rented units will be an accessible bungalow.</p>
Healthcare contribution	<p>A financial contribution of £24,000.00 (index linked) to provide infrastructure for the provision of primary and community healthcare services in the East Herefordshire primary care network.</p>
Education contribution	<p>A financial contribution of £217,334.00 (index linked) to provide the education facilities at Ledbury Early Years, Colwall Primary School, St Josephs Roman Catholic Primary School, John Masefield High School, St Mary's Catholic School, Ledbury Youth and Special Education Needs schools.</p>
Recycling and waste contribution	<p>A financial contribution of £2,880.00 (index linked) to provide 1 x black bin and 1 x green bin for each dwelling.</p>
Library contribution	<p>A financial contribution of £4,400.00 (index linked) to provide improved library infrastructure at Colwall library.</p>
Transport contribution	<p>A financial contribution of £67,827.00 (index linked) towards;</p> <ul style="list-style-type: none"> • The provision of pedestrian and cyclist dedicated routes • Cycle parking facilities • Bus infrastructure improvements • Village gateway scheme to include road narrowing, changed junction priorities, removal of white lines and sigs, changes to surface treatments, build outs to clarify where parking is appropriate • Safer routes to schools

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On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a minimum of 0.99 hectares (990sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.033 hectares (330sqm) of public open space • 0.66 hectares (660sqm) of children's play of which 0.021 hectares (210sqm) should be formal children's play
Sports	<p>A financial contribution of £23,051.00 (index linked) towards sport infrastructure for football and cricket.</p>

6.182 The S106 is not finalised and therefore the recommendation is that permission is granted subject to the completion of the legal agreement.

Planning Summary and Conclusions

6.183 The application seeks full planning permission for the erection of 36 no dwellings on the site known as 'Site 2 Grovesend Farm'. The site is allocated within the made Colwall Neighbourhood Development Plan for residential development of a minimum of 32 dwellings and open space.

6.184 The application site, along with the whole of the settlement of Colwall falls within the Malvern Hills Area of Outstanding Natural Beauty. The site also falls within the Colwall Stone/Upper Colwall Conservation Area.

6.185 The proposed layout makes provision for open space in accordance with the requirements of the Colwall NDP. Dwellings are also proposed in the part of the site where residential development is allocated, within the identified settlement boundary.

6.186 A total of 22 open market and 14 affordable dwellings are proposed. As confirmed in this report, the affordable housing figure is in full compliance with the policy requirements contained in the Development Plan. A mix of housing tenures and unit sizes are proposed to meet identified need. The scale of the dwellings is a combination of two storey and single storey buildings in response to characteristics of the site, its setting and housing need. A variation of house type designs are proposed across the site.

6.187 The application is submitted in full and therefore contains detail in terms of the layout, scale, design and appearance of the development. Indicative landscaping proposals are included to establish landscape principles taking account of the assessment undertaken. A number of technical reports are also submitted to accompany the proposed residential scheme.

6.188 Applications for planning permission are to be assessed in accordance with the development plan unless material consideration indicate otherwise. The development plan in this case comprises the Herefordshire Local Plan – Core Strategy, Minerals and Waste Local Plan and the Colwall Neighbourhood Development Plan.

6.189 The constraints associated with the site place additional statutory provisions on the local planning authority in assessing the scheme. In exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing

the natural beauty of the area of outstanding natural beauty. Special attention is also required to be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.

- 6.190 In addition to the development plan requirements, the National Planning Policy Framework also sets out the Government's planning policies for England and how these should be applied. The approach to decision making including in connection with proposals in the AONB and affecting heritage assets are also established within the NPPF.
- 6.191 Footnote 64 of the Framework sets out whether a development is 'major' specifically for the purposes of assessment against NPPF paragraph 183, is a matter for the decision maker having regard to the nature, scale and setting of the proposals and whether they could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.192 Based on the assessments informing the site and the nature of the proposal, including the layout, density, scale and relationship with the existing settlement, officers have concluded the proposed development does not represent major development in the AONB. Accordingly, it is not considered there is a requirement to demonstrate exceptional circumstances in the context of Paragraph 183.
- 6.193 Notwithstanding the above, officers acknowledge the site is allocated for development of at least 32 dwellings within the made Colwall Neighbourhood Development. The allocation of the site is informed by comprehensive analysis through the Landscape Sensitivity and Capacity Assessment. The proposal contributes towards meeting housing need, including through the provision of both market and affordable housing. Whilst the planning application has attracted a high number of objections over the course of several consultation periods, the plan was made following public referendum. The Council is currently able to demonstrate a five year housing supply based on deliverable sites, which includes those allocated for development, with the application site contributing to the five year housing supply figures as deliverable within the next five years. As such, the proposed development makes a contribution towards the Council's current and planned ability to demonstrate a five year housing supply.
- 6.194 To summarise in respect of landscape, officers consider the LVIA carried out confirms the level of effects including impacts on key views are acceptable. It is also considered the scheme, including changes made during the course of the assessment of the proposals has demonstrated the character of the landscape has positively influenced the design, scale and setting of the settlement. The low density layout and variation of scale across the site, which includes the provision of open space as directed by the development plan reflects the particular site and surrounding context. For these reasons, and those discussed within this report, the proposal is considered to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty and meets the principles established in Policies SS6, LD1, LD3, CD1, CD2 and CD7, alongside the requirements identified in Chapter 15 of National Planning Policy Framework. The requirements of Malvern Hills AONB Management Plan 2019-2024 are also achieved through the detailed proposals. Conditions are also included to secure additional landscape details where considered necessary.
- 6.195 In terms of the conservation area, the scheme would reduce the extent of open space provided by the site, which is noted as contributing to the significance of the conservation area. The rural character along Old Church Road would also change through the proposals. However, it is officers' view the significance of the open space is preserved through provision of large areas of open space within the layout, retention and reinforcement of existing boundary treatment, single storey development in response to site characteristics and low density layout in developed areas. Furthermore, the open space proposed provide a natural buffer between the housing proposed and the adjacent countryside. This is also a positive attribute of the scheme in terms of access to open space.

- 6.196 Officers have identified the level of harm as 'less than substantial' to the conservation area, adjacent listed building and non-designated heritage assets on the site. Paragraph 208 of the National Planning Policy Framework requires that when a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of a proposal, including, where appropriate, securing its optimum viable use. The site is allocated for residential development and open space. It is considered there are public benefits arising from the delivery of a mix of housing, including affordable housing, to meet local needs. In addition, enhanced public open space would be delivered through the proposals, where there is currently no public access to the site. The proposals also include an informed interpretation of the sites history. Officers have concluded the less than substantial harm identified is considered to be outweighed by the significant benefits associated with the scheme and therefore the requirements of paragraph 208 are met.
- 6.197 To summarise in terms of heritage, the level of harm identified is considered by officers to be outweighed by the public benefits associated with the proposed development. Those conclusions have been reached in the context of the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Strategy Policy LD4, NDP Policy CD4 and CD7, alongside the requirements set out within Chapter 16 of the NPPF.
- 6.198 In addition to landscape and heritage, having undertaken detailed assessment in terms of design, amenity, transport and highways, drainage and flooding, ecology/biodiversity, trees, housing mix, sustainability/climate change and minerals and waste, the proposed development, with the inclusion of conditions and associated highway agreements for delivery of off-site works, has been assessed by officers as acceptable based on the relevant policy contexts identified.
- 6.199 Various changes have been made during the course of the assessment of the application. This has led to a number of public consultations periods regarding the proposals. A high volume of representations (including a number of further representations from the same individuals) have been received. It is acknowledged the vast majority of those who have commented on the application are not in support of the proposed development. Matters raised within the submitted representations have been considered as part of assessment of the proposals, and have prompted requests for further information and amendments to the scheme. Overall, officers' assessment of the scheme concludes the proposal accords with the development plan and there are no material considerations to indicate that planning permission should not be granted.
- 6.200 A Section 106 Agreement is required to secure the necessary planning contributions generated through the scheme and the delivery of affordable housing. Draft Heads of Terms have been provided which would form the basis for a legal agreement. As such, the recommendation is to permit the planning application, subject to a Section 106 Agreement.

RECOMMENDATION

That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary:

General

- 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:

- PL 001 Rev A: Site Location Plan;
- PL 004 Rev X: Proposed Site Plan;
- PL 010 Rev C: House Type A (3B6P Detached);
- PL 011 Rev D: House Type B (2B4P Bungalow);
- PL 012 Rev C: House Type C (4B7P Detached);
- PL 013 Rev C: House Type D (4B7P Detached);
- PL 014 Rev C: House Type E (3B5P Semi-detached);
- PL 015 Rev C: House Type F (2B4P Terrace);
- PL 015 Rev C: House Type G (2B4P Semi-detached);
- PL 030 : Garage Plans and Elevations.

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, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and National Planning Policy Framework.

Prior to the commencement of development

3 Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:

- c) **As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) 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**
- d) **if the risk assessment in (a) 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: This condition is required pre-commencement of development, in the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) **A method for ensuring mud is not deposited onto the Public Highway**
- b) **Construction traffic access location**
- c) **Parking for site operatives**
- d) **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: The details relate to the duration of the construction period and are required prior to commencement of development 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 Prior to commencement of development a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the Local Planning Authority for written approval.

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) (ED 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 SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

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

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

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

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies SD1

and SP1 of the Herefordshire Local Plan – Core Strategy, Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

- 7 Prior to commencement of development, drainage details for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

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

- 8 No development shall take place until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

Reason: In order to document buildings, or parts of buildings which will be lost as a result of demolition in accordance with Policy LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework. It is important the survey takes place prior to works commencing on site.

Prior to specific trigger points

- 9 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided in accordance with Drawing no. SK01 Rev D. 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.

- 10 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.

- 11 Development shall not begin in relation to any of the specified highways works until details of the footway along Old Church Road (as per drawing SK05 Rev C by Rappor) 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 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.

- 12 Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement

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

features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, shall be submitted 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) (EL) 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 SSI, SS6 LD1, LD2 and LD3; and the Council's declared Climate Change and Ecological Emergency.

13 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. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009);
- c) A plan showing existing and proposed finished levels or contours;
- d) A drawing detailing hard surfacing materials;
- e) Detailed construction drawings of the proposed play area with seating and viewing platform;
- f) Artefacts and Structures e.g. street furniture, street lighting.
- g) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details;
- h) A plan detailing the integration of the water attenuation schemes with the POS.

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.

14 With the exception of site clearance and groundwork, no further development shall commence until details of the pumping station have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) Elevations of the proposed pumping station;
- b) Hard and soft landscaping proposals; and
- c) Means of enclosure

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

15 With the exception of any site clearance and groundwork no further development shall commence until details of the play area has been submitted and approved in writing. These details should include:

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

- a) Play equipment,
- b) Surfacing,
- c) Landscaping,
- d) Means of enclosure,
- e) 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 hereby approved and thereafter retained.

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

- 16 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 Policies SD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

- 17 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of electric vehicle charging points, has been submitted to and approved in writing by the local planning authority.

The electric vehicle charging points serving each plot shall be installed prior to first occupation of that plot 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.

- 18 No works in relation to any of the features specified below shall commence until a methodology and detailed drawings are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

- Details as to the methodology for lifting and relaying and retaining the tramlines;
- Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme.

Reason: In order to ensure the tramlines are incorporated into the landscaping proposals for the scheme in accordance with LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework.

- 19 Notwithstanding the approved plans, no works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the local planning authority a plan

indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policies SD1, LD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

Prior to occupation

- 20 Prior to occupation of the development hereby permitted, the driveway and 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.

- 21 Prior to occupation of each dwelling, an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

- 22 Prior to 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.

- 23 Prior to occupation of the development hereby permitted, a comprehensive Landscape Ecological Management Plan including the following details shall be submitted to and approved in writing by the local planning authority:

a) Including all shared areas of land and open space;

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

- b) detailed ecological management methods relevant to all habitats and features present;
- c) a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years).

The approved Plan shall hereafter be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EL) 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 SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 24 Prior to occupation of the development hereby permitted, 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 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.

- 25 Prior to occupation of the development hereby permitted, written evidence or certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed/implemented shall be submitted to the Local Planning Authority for their written approval.

The development shall not be occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 26 Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

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

- 27 No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to the dwellings hereby permitted have been implemented in accordance with details that shall

previously have been submitted to and approved in writing by the local planning authority.

Reason: To ensure occupiers have suitable facilities and to address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

Compliance

28 The proposed slab levels for the development shall be carried out in accordance with updated Drainage Strategy Drawing ref C002 rev K, prepared by Rappor.

Reason: To ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, CD2 and CD4 of the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

29 No external lighting shall be provided on any dwelling or building approved under this permission 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 SSI, SS6, LD1-3; ; and the council’s declared Climate Change and Ecological Emergency.

30 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 residential development.

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.

31 The development shall be implemented in accordance with the following documents:

Flood Risk Assessment incorporating Drainage Strategy revision 5 (December 2022, updated October 2023), updated Drainage Strategy Drawing ref C002 rev K prepared by Rappor and Updated Engineer’s Response (October 2023).

Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

32 All hard and soft landscaping (planting, seeding or turf laying) in the approved landscape scheme required by condition 14 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.

Reason: To 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.

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

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

34 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 Class A of Part 2 and of Schedule 2 shall be carried out.

Reason: The site is within an Area of Outstanding Natural Beauty. In order to ensure boundary treatment is maintained in accordance with the approved details and in compliance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

35 No access gates or doors shall be provided / installed at the site access or internal access road without the prior written approval of the local planning authority.

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, including any representations that have been received. Revised documents have been submitted during the course of the application assessment 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. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn**

Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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.

- 3. This planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement (Date of agreement to be inserted upon issue of permission).**

- 4. The Council would expect the play area to be of the value £27,000 in accordance with the SPD on Planning Obligations and the size of the development.**

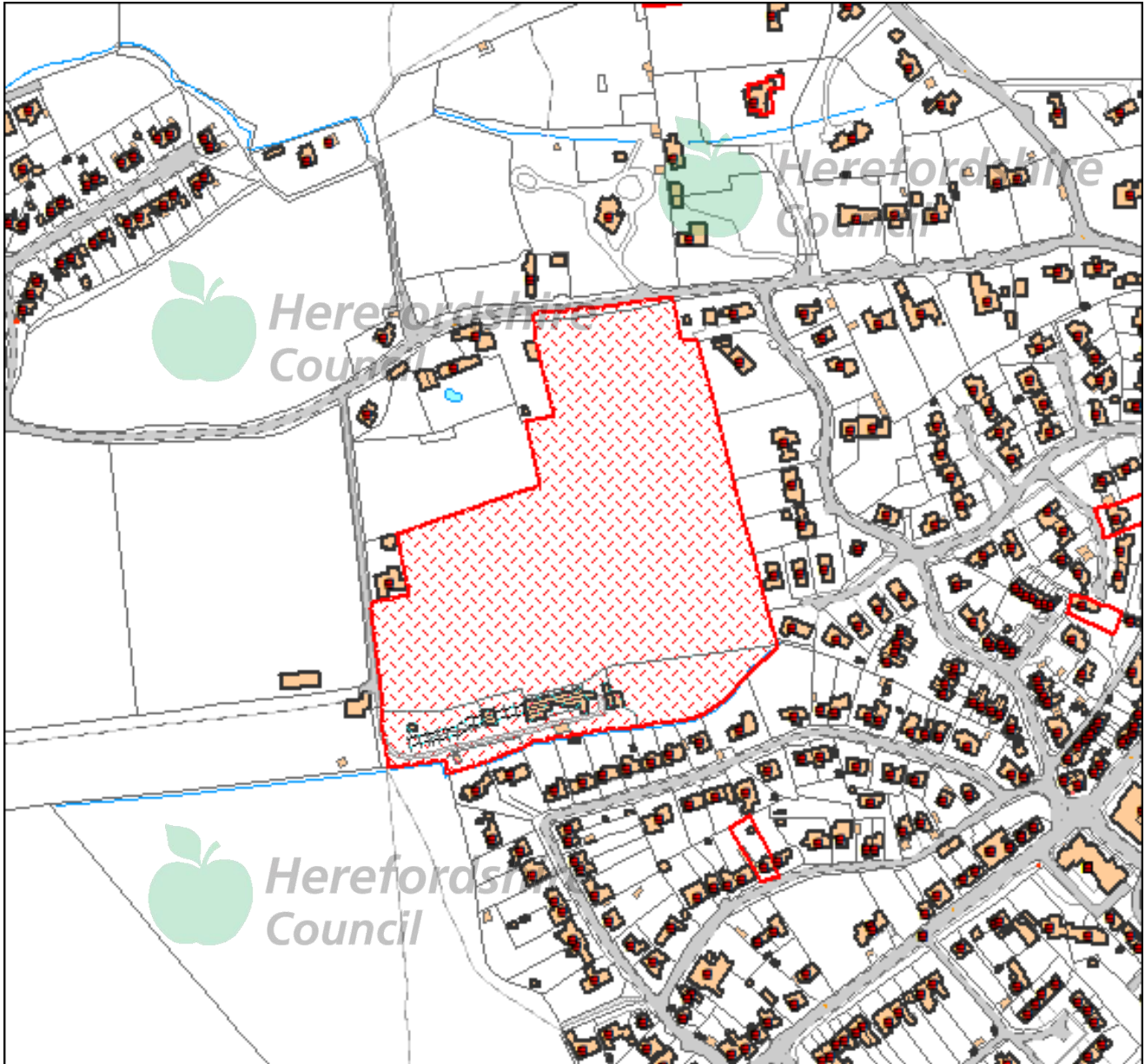
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 230457

SITE ADDRESS : LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE

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

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JULY 2024
TITLE OF REPORT:	214539 - PROPOSED RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGHOUSES WITH ASSOCIATED VEHICLE ACCESS FROM C1059 TOGETHER WITH DRAINAGE INFRASTRUCTURE AND PLANTING AT LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HR6 0SG For: Mr Andrews per Mr D F Baume, Little Dinmore, Burford, WR15 8HR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214539&search-term=214539
Reason Application submitted to Committee – Re-direction	

Date Received: 13 December 2021

Ward: Hampton

Grid Ref: 359607,259809

Expiry Date: 10 May 2024

Local Member: Cllr Bruce Baker

1.0 SITE DESCRIPTION

- 1.1 The application site relates to a parcel of agricultural land to the eastern end of Hatfield, roughly equidistant between Leominster, Bromyard and Tenbury Wells. The site is bound to the south by the C1059 from which access to the field is taken via a gate, close to the boundary with Curates Cottage which lies to the southwest. A coppice/woodland lies to the north of the site and open-countryside of undulating pasture to the east, with views towards Hampton Charles. The site lies within the hydrological catchment of the River Lugg, forming part of the River Wye Special Area of Conservation (SAC).

2.0 PROPOSAL

- 2.1 This application seeks planning permission for the erection five dwellings on land to the east of Curates Cottage. The development would comprise three detached dwellings (including 1no. bungalow) and one pair of semi-detached dwellings sitting perpendicular to the read at the western end of the site. The development would be served through the creation of two points of access of the C1059 with parking and garage space to the rear of the dwellings.

3.0 POLICIES

Herefordshire Local Plan - Core Strategy (2011 – 2031)

- 3.1 The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation is accessible via the Herefordshire Council website.

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

SS1	Presumption in favour of sustainable 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
RA4	Agricultural, forestry and rural enterprise dwellings
RA5	Re-use of rural buildings
RA6	Rural economy
H1	Affordable housing – thresholds and targets
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
SD3	Sustainable water management and water resources
SD4	Waste water treatment and river water quality

National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in December 2023.

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 8	Promoting healthy and safe communities
Chapter 9	Promoting sustainable transport
Chapter 10	Supporting high quality communities
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
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

- 3.3 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 Core Strategy – 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.

4.0 HISTORY

4.1 None relevant.

5.0 CONSULTATIONS

5.1 Local Highway Authority – comment; -

5.1.1 14/2/24 - The Local Highway Authority has no objections to the development proposals. Please see previous comments issued 14 March 2024.

5.1.2 14/3/22 - The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. The access meets the highway in a perpendicular fashion. This maximises visibility and ensures that turning movements can happen efficiently. This is in accordance with the guidance set out in the DfT's Manual for Streets 2 document.

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. The parking provided is acceptable for the nature and scale of the development. It is unclear from the submission if cycle parking is to be included, there is mention of it in the D and A statement, but details are not set out in the drawings. This is a requirement for all new developments and as such Condition CB2 should be applied to ensure its delivery.

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

- CAB - Visibility Splay Required (2.4m x 74.3m to the North East and 72.2m to the South West from Each Access Proposed)
- CAE - Access Construction Specification
- CB2 - Provision of Secure Cycle Parking
- I11 - Mud on Highway

5.2 HC Trees – no objection; -

5.2.1 26/1/22 - The impact on existing trees is low and the protective measures proposed in the accompanying tree report will ensure they unaffected.

The planting scheme provides a mix of broadleaf trees that will soften the impact of the development in the local landscape.

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:

Tree Survey – Peter Quinn Associates
Detailed Landscape Proposals/ drawing 21/540/03A Peter Quinn Associates

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.

5.3 HC Ecology – comment; -

5.3.1 3/5/24 - Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that there would be no adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted. (see full Habitat Regulations Assessment at **Appendix 1**)

5.3.2 20/2/24 - The details in the updated drainage information ref CWC105 dated January 2024 are noted.

The Natural England nutrient neutrality calculator cannot be used to calculate nutrient mitigation through a change of land use not directly associated with the residential development from Farmland to other uses. A detailed bespoke calculation is required utilising certainty of recent and current use, detailed nutrient testing (legacy nutrients) and information such as provided by Farmscoper. The proposed future use then needs to be fully detailed and a management plan agreed and then the finally agreed scheme secured by a legal agreement as a charge on the land for normally 80-120 years.

A second or additional nutrient neutrality proposal is also supplied relating to downslope planting of an orchard to mitigate the remaining phosphate in outfall. If this is the final nutrient neutrality solution the orchard and its retention and management for the next 80-120 years will need to be secured as a charge on the land through an appropriate legal agreement.

It is noted that the drainage report advises that this required detailed nutrient neutrality assessment and legal agreement is being progressed separately by the applicant.

The final technical details and specific nutrient neutrality calculations will need to be completed as part of the relevant legal processes. Once the legal agreements have been completed and are assured as secured the required HRA process, appropriate assessment can be progressed and the required consultation with Natural England completed. This HRA process must be completed in full with required legal certainty secured PRIOR to any grant of a planning permission.

5.3.3 17/10/23 - There doesn't appear to be any significant additional information in respect of Nutrient Neutrality subsequent to previous comments made 15th May 2023.

Once the required legal agreements in respect of change of land use and planting/management as a charge on the land; and associated nutrient neutrality calculations have been completed and supplied the relevant HRA process can be progressed.

5.3.4 15/5/23 - The further Technical Note by Corner Water Consulting dated 05/04/2023 is noted and refers.

It is noted that at this time no confirmation on the technical design approval by the council's drainage consultants has been received.

It appears that proposal now includes utilising a change in agricultural land management to achieve required Nutrient Neutrality. It is noted that no technical evidence has been supplied to demonstrate how a proposed change in land use will achieve a scientifically and legally secured nutrient neutrality for the proposed development. No final calculation of Phosphate mitigation requirements to achieve nutrient neutrality appear to have been supplied (Natural England Phosphate Calculator) – as it is clear the locality has very poor infiltration and associated uncertain nutrient pathways the applicant may wish to consider a pure surface water discharge and undertake all nutrient neutrality calculations accordingly.

A fully detailed and legally-scientifically evidenced nutrient neutrality submission based on site specific Farmscoper methodology is requested. All relevant evidence of existing farm use, legacy phosphate levels etc as utilised in the Farmscoper Nutrient Neutrality report should be supplied. Any final proposal and detailed land management plan that may be considered through HRA will need to be secured through an appropriate legal agreements and as a formal charge on the land involved for the lifetime of the development the change supports. Legal and scientific certainty will be required prior to any HRA process being commenced and appropriate formal consultations with Natural England completed.

At this time the principle of evidencing nutrient neutrality through change in land use is noted and accepted as a potential route to nutrient neutrality – subject to required detailed scientific and legal evidence and certainty being demonstrated.

5.3.5 26/10/22 - The further additional drainage information – Corner Water Consulting dated 15/09/2022 is noted.

It is noted that at a calculated volume of 3.15m³ per day of outfall this is not a “small private foul water system” in respect of discharges to ground as considered by Herefordshire Council and Natural England within the supplied guidance on Nutrient Neutrality Criteria; nor Environment Agency in respect of General Binding Rules that relate to “small” private foul water systems – ie those under 2m³ per day discharging to ground..

The 200m buffer advised in the guidance for ‘small’ foul water systems is provided to ensure that the effects of density of drainage fields in a specific locality on creating cumulative or ‘in-combination’ effects on the wider hydrological catchment of the SAC (as HRA is based upon) is considered in respect of demonstrating Nutrient Neutrality.

The supplied information and extensive and confusing arguments therein provide no certainty that there are no cumulative or in-combination effects (phosphate pathways) from the proposed foul water outfall on the wider local catchment and thus pathways to the River Lugg SAC.

Reliance on existing natural features such as trees to provide mitigation has no certainty of remaining scientifically or legally certain for the lifetime of the project as required for HRA purposes.

If the applicant wishes to rely on alternative methods of securing nutrient neutrality these will need to be scientifically certain/demonstrated with relevant legacy P testing etc, and secured for relevant retention and management to ensure complete nutrient neutrality is secured for the lifetime of the development. A legally secured agreement and legal charge on the relevant mitigating land, habitats and management may be appropriate solution. Such a legal agreement would need to be fully secured and provide scientific certainty of full Nutrient Neutrality PRIOR to any HRA process being progressed and any planning permission being granted.

- 5.3.6 8/9/22 - Subject to the council's drainage consults approving the ability to achieve a discharge to ground NO legal certainty that there are no other drainage fields or point sources of Phosphate within 200m appear to have been supplied – as were requested as part of the previous ecology objection.

Appropriate plans and legal-scientific certainty on this issue are requested. If the drainage scheme or the 200m buffer cannot be legally and scientifically demonstrated the applicant will need to demonstrate that relevant Nutrient Neutrality has been completely and legally secured (eg confirmed purchase of P Credits) PRIOR to any HRA process being progressed. Guidance on developing Nutrient Neutrality schemes can be found at <https://www.herefordshire.gov.uk/nutrient-management/nutrient-management-guidance-developers> Guidance on the council's P Credit scheme and availability of credits should be discussed directly with the Development Management Team.

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

- 5.3.7 7/4/22 - The application site lies within the catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

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

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach. All mitigation must be legally securable through the planning process for the lifetime of the development.

Notes in respect of HRA:

The Surface and foul water drainage report by Hydrologic Services ref L0338A dated November 2021 refers

The proposal is for a development of 5 new residential dwellings with associated additional foul water flows. The supplied report calculates foul water flows (based British water Flows and Loads as being 21 person equivalent – 3.15 cubic metres per day.

With a flow greater than 2 cubic metres per day the foul water system is not covered by General Binding Rules and is thus not considered by the EA, LPA or Natural England as being a 'small private foul water system' to which the published Lugg HRA criteria can be applied. All applications falling outside of the agreed criteria require relevant detailed assessment and consideration to ensure certainty of Nutrient Neutrality being scientifically and legally achieved considering the 'precautionary approach' required by HRA.

- EA permits are not a relevant certainty when it comes to the HRA process as they are usually obtained after a planning permission, are not part of planning controls, and are not in themselves automatically subject to the same HRA scrutiny as the planning process triggers.

The following points are raised and detailed clarification/evidence and information is requested:

- The supplied report does not appear to include any consideration of all potential source of Phosphates from existing systems and processes, including small private foul water treatment system discharges (ie including those not triggering an EA discharge licence at this time). It is noted that several residential properties (with potential foul water outfalls) are within 200m of the proposed drainage mound and as the proposed new outfall is not considered as a 'small system' the potential area of effect should be increased on a precautionary basis unless otherwise scientifically demonstrated as being different. Further details and investigations are requested.

Other HRA comments:

- The percolation within the top 300mm of soils show that an appropriate percolation can be achieved at the base of a mound type system to allow certainty that the final system is not considered a surface water discharge and final polishing of outfall at the base of the mound can be completed within the local top soils.
- Aside from certainty of 'in combination-cumulative effects' identified above for a final HRA appropriate assessment there is no indication that the proposed foul and surface water management schemes cannot be achieved at this location and secured through relevant conditions on any planning permission granted.
- The legally secured management and maintenance of the achieved by a relevant pre-first occupation condition on any planning permission finally granted.

Once the additional legal-scientific certainty of existing nutrient sources has been supplied the LPA can look to progress the required HRA and undertake a final consultation with Natural England. This process must be fully completed PRIOR to any planning permission being granted

Wider Ecology comments:

The supplied ecology report by Worsfield and Bowen (revision 1) dated June 2021 appears relevant and appropriate. The recommendations for basic precautionary working and detailed Biodiversity Net Gain enhancements should be secured by a relevant condition on any planning permission finally granted.

The roadside hedgerow at the wider location already has existing gaps both for residential and agricultural purposes, The proposed two additional residential access are similar to the existing. The supplied access design statement (by DTA) advises each new access will be 4.5m wide. Allowing for regrowth of hedgerow and construction no more than 6m of existing hedgerow should be removed for each of the two accesses without the prior approval of the

LPA - this will ensure the minimal disruption to existing hedgerows from the proposed development – all retained hedgerow outside of the two access points should be subject to a secured root protection area no less than 1m out from dripline during construction. A condition to secure this minimal impact on wildlife corridor and habitat of principal importance is requested.

Ecological Protection & Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in 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.

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting, except low power (under 550 lumens), '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 dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting 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.

Hedgerow Protection

Unless otherwise approved in writing by the local planning authority;

No more than two SIX metre long sections of existing highway side hedgerow shall be removed; and

- All retained hedgerows shall be subject to a secure root protection area no less than 1m outside the dripline of the woody hedgerow plants for the duration of all construction works approved by this permission.

Reason: To ensure all hedgerows 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.

5.4 BBLP Land Drainage Team (Lead Local Flood Authority) – comment; -

5.4.1 3/4/24 - I have read the 17/1/2024 Technical Note (foul drainage). There are no substantial changes to the text that I am aware of.

A group of objectors have filed a consultant's report regarding the foul drainage proposals. This could be presented to the applicant for comment. My initial thoughts are that the 2m criteria to groundwater could be satisfied by means of a raised mound. Subject to minor redesign it could prove possible to deflect any surface water inflows to the area where the foul effluent will be dispersed. I note that the presence of other septic tanks/diffusers has been discussed but these are uphill of the proposed discharge point. These issues need to be addressed by the applicant and if there are issues that conflict with policy then they will need to be considered by the LPA

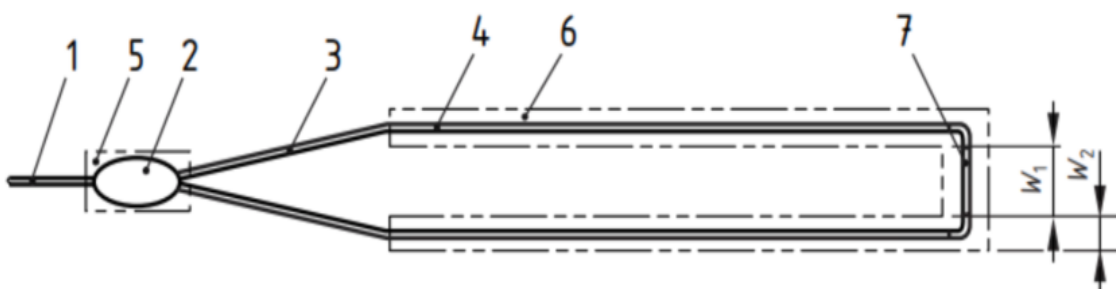
5.4.2 24/1/23 – Surface water drainage;

The applicant has provided indicative levels relating to the proposed swale. We are broadly supportive of the proposals, although confused regarding the depth of the swale which has been referred to as shallow. Based on the information presented the proposals are for a swale that has an invert 1m below ground level. This would mean an invert of 205m AOD alongside the basin and 204m AOD at the outfall into the ditch. The respective ground levels are 206m AOD and 204.5m hence the swale would need to be 1m deep at the upstream end and 0.5m deep at the downstream end. We accept that it would be possible to excavate soil to create a swale of this depth (although this would require a strip of land to be dedicated for the swale) but there is no clarity on who would maintain the swale in the future and who would own the land. In the event of the swale blocking in the future, the management company would need to be able to access the land to remove any blockage. We await confirmation regarding the maintenance issue, the width of the swale would need to be shown on drawings.

Foul water drainage;

The applicant has suggested that the Environment Agency permit application does not require the scheme to meet BS 6297 :2007 + A1:2008 in entirety.

We have discussed the issue with the EA who have advised that there may be situations where drainage mounds may be acceptable with pipe layouts that are not strictly in accordance with the British Standard. The below extract is taken from Figure 5 of BS 6297, which shows two parallel distribution pipes. For some installation such as sloped sites the EA would accept a single pipe laid along the contour line. The provision of drainage mound with a single pipe on sloped ground would allow a long, narrow mound to be installed which would allow effluent to be dispersed over a wider area which in good soils would allow for effective dispersal.



We have reviewed form B6.5 and note that a question is included at Section 5f as follows : 'what type of sewage treatment system will you be using to treat your effluent?'. There are three options :-

- Package Treatment Plant that meets BS 12566
- Septic Tank that meets BS 12566
- Other: You must provide design details of 'other' treatment including the stages of treatment carried out on your effluent and the final effluent discharge quality that the treatment system is designed to achieve

The form has been designed to cater for scenarios where a type of treatment system has been proposed (or is already installed) that has been developed based on an alternative design than the British Standard.

Following our discussions with the EA we conclude that although the form does make reference to applicants being able to present proposals that are not strictly compliant with the British Standards, the drainage mound would need to comply with the broad principles of BS 6297 in all cases.

The applicant has argued that the proposed installation would comply with the criteria for a Vp range of 2.4 to 288sec/mm at a depth of 300mm, which would make the design compatible with BRE 478. As explained above, we endorse the recommendations in BS 6297 relating to testing at 600mm deep. The applicant has presented a design that utilises a Vp rate of 44 s/mm that is based on the average of three tests (following the test process for drainage fields in BS 6297). The final test demonstrated a rate of 71 and 86 s/mm which is in excess of 50% above the average figure, thus as the design should comply with BS 6297 the Vp rate of 44 s/mm should not be used in design.

The design may be compliant with the Building Regulations but it is not compliant with BS 6297.

Furthermore, in suggesting that the test results at 300mm deep are compliant, the applicant has advised that the design is compatible with BRE 478 but has ignored references in BRE 478 appendix 13 that advise that 'the slowest percolation test result should be used to determine the basal area required'. We also note that 'where appropriate the vertical percolation rate for the limiting layer should be obtained' and 'the route of treated wastewater transmission from the mound needs to be established to enable the correct size and shape of mound to be determined' (pages 9 and 10 respectively).

Advice from Corner consulting suggests that BRE 478 'Mound Filter Systems for the treatment of wastewater; refers to a maximum Vp rate of 140 s/mm for underdrains. However, we note that there are no specifications provided for underdrains. As noted in the commentary SEPA have adopted this maximum Vp rate of 140 s/mm for drainage mounds serving more than one dwelling. The selected Vp rate is consistent with the approach laid out in Section 6.2.2 of BS 6297.

Overall comments;

The proposals are not fully compliant with BS 6297 because the deeper tests demonstrated an infiltration rate slower than the guidance defined in the SuDS Manual.

Furthermore, the mound has not been sized in accordance with BS 6297

Accordingly the installation would not comply with the requirements stipulated by the Environment Agency. The Environment Agency have selected BS 6297 as the design criteria that is used for the approval of Environmental Permits. As explained above, the British Standards compliment the Building Regulations. The British Standards are widely used in the UK for the approval of building products and designs that in turn comply with the Building Regulations.

We also remind the applicant of their duties under Clause 63 of the Building Act to ensure that soil pipes and all other associated sewerage infrastructure is constructed with due diligence.

The maintenance issues related to the surface water strategy remain to be addressed

5.4.3 3/11/22 – Surface water drainage;

In our previous response we requested that the Applicant considered locating the discharge pipe close to the field boundary to the west to ensure that it is not damaged from agricultural practices. The 15-09-22 technical notes includes outline details of a swale that is proposed. We assume that the discharge from the basin will be from the base, hence a pipe will be needed to begin with. We request a revised drawing showing where the pipe or swale will run, clarifying which parties will be responsible for each section. If the gradient of the land is sufficient, it may be possible to discharge water into a shallow swale at the red line boundary, in such case the downstream land owner will maintain the swale as a riparian land owner. If the discharge point at the red line boundary is lower down then a pipe or ditch may be required. A positive discharge from the new basin will need to be possible, either by means of a riparian discharge or via a lowered section of pipework that is installed with an easement.

Foul water drainage;

The applicant has provided further commentary regarding the requirements for the Vp rate below the mound and the permitted level of groundwater, we respond as follows :

Section 6.2.2 of BS 6297 includes a description of the percolation test which identifies that the waste should have soaked away within 6 hours.

Whilst a specific Vp rate is not defined, by inspection as the test relies on the water level dropping from 225mm to 75mm (a drop of 150mm) therefore the related Vp rate is 140 s/mm.

Accordingly, SEPA documentation WAT-RM-TM-04 refers to a slowest Vp of 140 s/mm for Drainage Mounds where a licence is required. In Scotland, a licence is required for a mound serving more than 3 dwellings (refer to Figure 1). This guidance also includes a hierarchy of treatment criteria for discharging treated effluent into more porous soils. It also advises "where fissures are present, if possible the soakaway should be relocated or the effluent discharged to surface waters". The SEPA guidance follows a more cautious approach than BRE 478 (which refers to a slowest Vp of 288 s/mm).

The 140s/mm rate is used for the approval of Drainage Mounds designed in accordance with the Building Regulations (the test is completed at surface level). The criteria also provides residents some assurance that for small discharges there is less likely to be a surface level discharge off site, which may cause inconvenience to others, create an environmental health hazard or create a phosphate pathway.

A more stringent approach is required for mounds requiring Environment Agency permits. The surface level test is completed as referenced above, but further testing is needed lower down.

The applicant has identified that in Appendix C2 of BS 6297, the Vp rate is not specifically defined and is only referred to as " a suitable Vp value". The text reads "it is recommended that there is a minimum of 600mm of unsaturated soil beneath the mound with a suitable Vp value". The text has been incorporated in the British Standard because this is recommended practice.

Our own review has identified that the only other reference to a slowest Vp rate is the 288 s/mm figure that is included in BRE 478. The BRE guidance documents do not have the same status as the British Standards, but it is clear that the authors of BRE 478 recommended this slowest rate as it is the lowest rate normally used for soakaway design.

The SuDS Manual provides clarity on the lowest band rate for infiltration, as used for surface water drainage applications:

Infiltration viability should be given full consideration where rates of 10^{-6} m/s or greater exist on the site (subject to geotechnical and contamination considerations). Where rates are less than that, the soils can still usefully be used for Interception delivery, but disposal of significant volumes of runoff may not be cost-effective or appropriate, unless there is a large area of land available for this purpose.

It should be noted that Interception does not necessarily require any infiltration capacity, as it can also be delivered via green roofs, bioretention systems etc.

Throughout the SuDS Manual, the lowest band figure for soakaways is 1×10^{-6} m/s, where soakaway tests demonstrate this rate permeable paving is often selected for use.

Section 3.28 of the Building Regulations includes an equation for calculating the infiltration rate based on the measured V_p figure.

The authors of BRE 478 have selected a slowest rate of 2 hours per 25mm. Using the equation this equates to 1.1×10^{-6} m/s.

It is therefore clear that a drainage mound built to be compliant with BS 6297 that the designer should complete an adequate site investigation to ensure that there is a minimum of 600mm of unsaturated soil beneath the mound with a suitable V_p value. The above review references the SuDS Manual and demonstrates that the slowest rate of 288 s/mm is an appropriate figure.

The designer also holds a duty to complete site investigations to ensure that there are no pathways for treated effluent via fissures in the soil, if permeable bedrock is encountered or there are layers of highly permeable soil.

The applicant has pointed out that the Diagram 2 in the Building Regulations identifies that the soil below a drainage mound can be impervious. As noted above, there is different guidance in BS 6297. The Environment Agency have selected BS 6297 as the design standard.

The applicant has also identified that a drainage mound can be installed in an area with a high groundwater level. However, it should be noted that groundwater levels vary throughout the year and so this guidance simply endorses the use of drainage fields in areas where high groundwater levels tend to occur.

Overall comments;

The proposals are not fully compliant with BS 6297 because the deeper tests demonstrated an infiltration rate slower than the guidance defined in the SuDS Manual. Accordingly the installation would not comply with the requirements stipulated by the Environment Agency. The Environment

Agency have selected BS 6297 as the design criteria that is used for the approval of Environmental Permits. As explained above, the British Standards compliment the Building Regulations. The British Standards are widely used in the UK for the approval of building products and designs that in turn comply with the Building Regulations. We also remind the applicant of their duties under Clause 63 of the Building Act to ensure that soil pipes and all other associated sewerage infrastructure is constructed with due diligence.

- 5.4.4 27/5/22 - The Applicant proposes the construction of 5 new dwellings (2x2 bed & 3x3 bed) with associated garages and landscaped areas. The site covers an area of approx. 0.59 ha and is currently agricultural land. The topography of the site slopes down gently to the west from approx. 210mAOD to 205mAOD. An unmapped drainage ditch runs approx. 90m from the north western boundary of the site.

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 1 ha 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). This is summarised in Table 1:

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

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

Surface water drainage;

Groundwater was observed at 1.3 to 1.8m deep. Infiltration testing was attempted but failed. The ground consisted of approx. 300mm of topsoil over heavy clay.

The surface water drainage strategy comprises a deep attenuation basin over 0.00m² and basal area of 21.0m² (31m x 13m), which has been designed for a 1 in 100 year plus 40% climate change event. A 71mm hydrobrake will restrict discharge flows to 2 l/s to the drainage ditch 90m from the north western boundary, which is within the land ownership boundary.

We accept the proposed surface water drainage arrangements in principle. We would ask that the Applicant considers locating the discharge pipe close to the field boundary to the west to ensure that it is not damaged from agricultural practices.

Foul water drainage;

Percolation testing undertaken at ground level recorded rates of between 43 and 45 s/mm. As there was no percolation rate below 300mm, we objected to the proposed foul water drainage strategy which comprises a drainage mound. Effluent would sit on top of the impermeable clay ground and seep out the sides of the drainage mound or onto the adjacent topsoil. The construction and installation of a drainage mound is likely to create springs in the adjacent field. For a mound serving multiple properties, owing to the increased quantity of effluent dispersed, there is an increased risk of effluent re-emerging. BS 6297 Annex C recommends that there is a minimum of 600mm of unsaturated soil below the mound with a suitable percolation rate.

We note that the Applicant undertook 300mm deep percolation tests as well as 1m deep infiltration testing, which has not previously been submitted. At 1m depth, some permeability was observed and a converted Vp rate of 115s/mm recorded. However, these test results are conflicting with the previously submitted Sutton Survey results.

As 5 dwellings are proposed to discharge to the drainage mound, a professional report should be submitted to prove permeability in the 600mm soil strata below the proposed mound (pit bases typically 300mm to 500mm below ground). This is required to assist in the assessment of the site location and the sizing of the mound system, to ensure that the underlying soil is capable of accommodating the discharge.

The Applicant should reconsider the foul water drainage strategy or proposed site layout.

Overall comments;

We object to the proposed development due to the foul water drainage strategy as detailed above. A revised foul water drainage strategy should be submitted before planning is granted.

We accept in principle the surface water drainage strategy. Detailed drainage design/construction drawings should be submitted at Discharge of Condition.

5.5 Dŵr Cymru Welsh Water – comment; -

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

5.5.1 13/1/22 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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

SEWERAGE

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

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

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps; some sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

5.6 Natural England – no objection;

5.6.1 24/5/24 - We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of River Wye Catchment SAC. <https://designatedsites.naturalengland.org.uk/> damage or destroy the interest features for which River Lugg Site of Scientific Interest (SSSI) have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required;

The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha.

The approved foul water system and Sustainable Drainage System shall be managed and maintained as approved for the lifetime of the development it supports.

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

6.0 COMMUNITY REPRESENTATIONS

6.1 Hatfield Group Parish Council – object; -

6.1.1 29/2/24 - The Parish Council held an Extra Ordinary Meeting which a large number of Hatfield residents attended.

Hatfield & District Group Parish Council does not support this development The PC's earlier comment referenced the Core strategy RA2 (1) identifies Hatfield in fig 4.15 as a settlement where PROPORTIONATE development will be permitted.

The new development would increase the village size by at least 20% and considering the recent developments by 50% This is not a proportionate development.

This is major development it is not in keeping with a small hamlet such as Hatfield.

Policy 4.8022 Core strategy states the NATIONAL guidance emphasises the importance of not promoting unsustainable patterns of development in rural area.

The development is outside the curtilage of the village. According to the SHLA assessment the site is visually and physically disconnected from the village. The site is not recommended for development and has no potential for development.

RA2 (1) It specifies in relations to smaller settlements, all proposals will be expected to demonstrate particular attention to farm layout, character and setting of the site and its location in that settlement and to show how it will contribute to or is essential to the social wellbeing of the settlement.

The development is not in keeping with the rest of Hatfield Village, which is mainly cottages and farms from several different eras. The proposed development is set in a green field site, in open countryside.

Policy SS7 Addressing climate change 99% of Hatfield residents are car dependent; 10 or more extra cars travelling to and from the proposed site will not help to meet goals to reduce CO2 and other emissions that contribute to climate change

Surface Water Management and foul drainage issues

There are no mains sewers in Hatfield, all dwellings require a soak away. The proposed extension of the site to the north and rewilding of existing farmland and repositioning of the effluent treatment mound requires a permit for such a large effluent discharge exceeding 2m³/day foul water. The site lies within the river Lugg special area of conservation.

The site identifies as having very poor filtration due to low permeability of both the soil and underlying bedrock it proceeds to say an attempt was made to assess the groundwater level, below the top of the ground was very hard clay.

The "clean" water is allowed to drain from the mound into the surrounding area. Although the site is often flooded in winter. It will drain into the surrounding ancient woodland and natural balanced habitat besides it.

There are small streams in the woodland draining into pools and beyond. These feed into Humber Brook. From there they flow into the River Lugg at Hope Under Dinmore. All increasing

the phosphates for the area. The development has an adverse impact on the environment and ecology of the area. It strains the local infrastructure and there is no easy access to amenities, it is a round trip of probably 14 miles to the nearest town. There are no local amenities, the local pub at Docklow is 4 miles away, there is no public transport, the nearest supermarket is again 7 miles away, a round trip of 14 miles to buy essentials. Results in land use: A change away from productive agriculture to housing which is not in agreement with national policies. It destroys the rural character by its visual impact by introducing modern styles of development in a sparsely populated area, it is not in line with the existing low density linear development pattern. This development has raised grave concerns to the community and public opinion.

6.1.2 3/2/22 - Core Strategy RA2 (1) identifies Hatfield in fig 4.15 as a settlement where proportionate development will be permitted. However, the new development would increase the village size by at least 20%, and if you take recently approved applications into account, by at least 50%. RA2 (1) It specifies in relations to smaller settlements, all proposals will be expected to demonstrate particular attention to farm layout, character and setting of the site and its location in that settlement and to show how it will contribute to or is essential to the social wellbeing of the settlement. The development is not in keeping with the rest of Hatfield Village, which is mainly cottages and farms from several different eras. The proposed development is set in a green field site, in open countryside. The site has drainage problems and is at risk of flooding not only to the proposed site but to other nearby areas. The site is at the furthest Eastern end of the settlement area, and is not within the curtilage of Hatfield village. Policy SS7 Addressing climate change 99% of Hatfield residents are car dependent; 10 or more extra cars travelling to and from the proposed site will not help to meet goals to reduce CO2 and other emissions that contribute to climate change. The C1059 is a narrow single-track road, more suited to life 100 years ago, it has no passing places. Modern large agricultural implements (tractors, combines, bailers etc) also use this road, sometimes causing long traffic delays. It is felt by the PC and general community that the infrastructure could not sustain the extra traffic the houses would produce. It is felt that the “traffic track” was taken during the Covid period, when less traffic was using the road. It is felt that this may be an inaccurate reflection of road use. Hatfield is a linear settlement strung out along a section of C1059. There is no school, shop, bus service or other facility, other than an ancient Parish Church at the extreme Western end of the village. The Parish Council feel that this development would be not be in the interest of Hatfield village and therefore cannot support the application.

6.2 Hampton Charles Parish Council (adj) – no response.

6.3 Site Notice - 55 representations received (exc. repeated / further comments), objecting to the application. The comments are summarised as follows:

- Site is outside the boundary for Hatfield and is visually and physically disconnected from the main built form.
- Limited services in Hatfield.
- Limited local infrastructure to support the development.
- Road through the village is narrow, with limited parking and existing issues with HGVs/agricultural vehicles.
- Access off C1059 constructed without planning permission.
- Hatfield is unsustainable with no facilities or public transport.
- Visual impact, including on Herefordshire Trail and the Three Rivers Ride.
- Heavy clay soil with poor permeability.
- Loss of agricultural land.
- Impact on wildlife (bats, barn owls) and proximity to woodland.
- Loss of hedgerow.
- Poor drainage, often waterlogged in winter.
- Light pollution.
- Phosphates adversely impacting river water quality.

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

- Contrary to Herefordshire Council Environmental Policy.
- Council has deemed the site unsuitable for development (SHLAA).
- Council can now deliver a 5-year housing land supply.
- Pre-application advice from LPA is outdated given the current 5-year housing land supply.
- No planning site notices posted.
- Prejudices future local housing opportunities.
- Design of proposed dwellings not in keeping and overbearing in scale.
- Demonstrable change to character of the area.
- Overlooking and loss of light.
- Loss of view.
- Impact on residential amenity (particularly Curates Cottage).
- Infrastructure and Practical Concerns
- Seasonal variation in water table.
- Test holes in wrong location.
- Porosity and infiltration testing should be year-round.
- Inaccurate Automatic Traffic Count (ATC) during COVID-19 lockdown.
- Working from home challenging due to poor broadband.
- Residential use may conflict with agricultural uses (noise and smell).
- No affordable housing provision.
- 10 new dwellings already provided (7 barn conversions, 3 new-builds).
- Hatfield has exceeded its housing growth targets for the period to 2031.
- Not contributing positively to climate change mitigation (increased CO2 emissions).

The full comments are accessible via the Herefordshire Council website and link above.

6.4 Cllr Baker (Hampton Ward) – requested re-direction to Planning & Regulatory Committee on the basis of the level of public interest.

7.0 OFFICER APPRAISAL

Principle of development

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.

7.3 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 was updated 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 policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

7.4 Hatfield, despite lacking significant community services or facilities (apart from a parish church) and relying on Leominster and Tenbury for broader services, is designated in Policy RA2 of the Core Strategy as a smaller settlement suitable for proportionate housing. While concerns about Hatfield's sustainability due to its lack of services and public transport are noted, its inclusion in the Core Strategy indicates it is considered broadly sustainable. The NPPF supports approving proposals that align with an up-to-date local plan without delay.

- 7.5 With no predefined development boundary for Hatfield, the determination of whether a scheme is within or adjacent to the main built-up area under Policy RA2 should be made on a case-by-case basis. Development in smaller settlements like Hatfield must pay attention to form, layout, character, and setting while contributing to the settlement's social well-being.
- 7.6 Hatfield is notably linear, characterized by ribbon development with significant gaps between dwellings occupied by small parcels of agricultural land or larger plots. This ad-hoc arrangement is particularly evident in the village's eastern end, where residential development is denser, and gaps between homes are fewer. Dwellings often front the highway directly or are oriented perpendicular to it, contributing to a spacious, verdant, and distinctly rural character.
- 7.7 The application site is northeast of Curates Cottage, near Hatfield's eastern end. It borders open countryside to the north, east, and west, and lies opposite Lockleys Farm to the south, positioning it well relative to Hatfield's established built form. Despite concerns about the proposal's impact on the settlement's role, function, and setting, the development would uphold the linear pattern and provide a bespoke response with varied dwelling types and features akin to existing development.
- 7.8 Regarding housing numbers, the latest proportional growth figures indicate that the Hatfield and District Group Parish has a residual housing target of 2 for the remaining years of the plan period until 2031. This area includes Pudleston and Docklow, both named settlements appropriate for open-market housing growth under Policy RA2 of the Core Strategy. The Bromyard Housing Market Area (HMA) has provided 35 additional dwellings than required, with further years of the plan period remaining. This highlights how other parish areas within the HMA have exceeded their local housing targets. Considering this, officers acknowledge local concerns about the provision of an additional 5 dwellings. However, housing figures are targets, not ceilings, and should not preclude further sustainable development.
- 7.9 The proposal would provide 5 open-market dwellings as part of a cohesive development on the edge of the settlement. Although affordable provision is not possible, the development would offer a mix of dwellings responding to the needs identified in the Herefordshire Housing Market Area Needs Assessment (HMANA) 2021. This includes 2 two-bed dwellings, 2 three-bed dwellings, and a bungalow – seldom provided in small, rural housing schemes. The scheme also presents opportunities for social and economic benefits, such as supporting the local construction industry, community cohesion, and local services (e.g., Stoke Prior Primary School and Docklow public houses), though these benefits cannot be guaranteed or quantified accurately.
- 7.10 Some windfall development has occurred in Hatfield and the wider parish, but this is limited. Officers do not believe that adding 5 dwellings would significantly compromise social and community well-being to a degree justifying refusal of the application.
- 7.11 In light of the above, the principle of some open-market housing on this site is accepted, subject to addressing other matters as considered below.

Siting, design and visual / landscape impact

- 7.12 Policy SD1 of the Core Strategy sets out that development proposals must respect the scale, massing, height, proportions, and detailing of surrounding development. In alignment with this, Policy RA2 requires that the design and layout reflect the size, role, and function of the settlement. For smaller settlements like Hatfield, particular attention must be paid to the form, layout, character, and setting of the site within the settlement.

- 7.13 Some objectors reference the Strategic Housing Land Availability Assessment (SHLAA) 2019, which concludes that the site has 'no potential for development' as it is 'distinctly outside the village settlement' and 'visually and physically disconnected from the village.' While the SHLAA offers an objective assessment of potential housing sites based on suitability and availability, it primarily serves as an evidence base document to inform the development of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans (NDPs). Planning applications should be considered on their own merits, as stipulated by the SHLAA disclaimer and, crucially, planning law and the NPPF, which requires decisions to accord with the development plan unless material considerations indicate otherwise. Therefore, limited weight may be given to the SHLAA's findings in this context, and the inclusion or exclusion of a site in the SHLAA does not automatically determine its eligibility for planning approval; each application must be assessed individually.
- 7.14 The site is not located within a nationally valued landscape and is categorised under the LCT 13 Plateau Farmland and Estates character type according to the HC Landscape Character Assessment 2023. The surrounding area aligns with several defining characteristics, including a traditional mix of farming uses, a combination of regular and irregular medium-sized fields bordered by hedgerows, and scattered woodlands. The settlement patterns reflect this character, featuring sparsely populated hamlets that retain their historic character, highlighted by local reddish-brown and grey sandstone architecture.
- 7.15 The application site forms part of an irregularly shaped parcel of land bounded to the south by a minor road and to the north by woodland. There is a distinct openness to the east with views across agricultural land towards Hampton Charles. However, the development would not create an unnatural incursion into the countryside, as it would be set between the road and woodland, serving as a backdrop and restricting longer-distance views. The application includes a detailed landscaping plan indicating that the roadside hedgerow would be retained, save for access points, as the required visibility splays could be achieved without their removal. Additional hedgerow planting is proposed along the internal access roads, along with new appropriate tree species and a stock-proof post-and-rail fence around the site's edge. An Arboricultural Report supports the application, confirming a low impact on existing trees, with protective measures secured by Condition 14. These measures would ensure the development maintains a rural character rather than appearing suburban. An updated detailed landscaping plan shall be secured by condition, noting that the site location has been revised since the scheme was submitted.
- 7.16 The proposed dwellings are planned in a linear arrangement with two shared points of access from the minor road. They would occupy spacious plots, with semi-detached units oriented with gable ends facing the road and principal elevations facing the internal access road. Other dwellings would face the road, with detached garages generally located at the rear of the site.
- 7.17 In terms of design, the dwellings would adopt a traditional approach, carefully considering the local context. They incorporate features such as dormer windows, chimney breasts, timber-framed porches, and cat-slide roofs to ensure distinctiveness. The mix of materials chosen aims to balance cohesion within the development while acknowledging the varied material palette of the settlement, offering a sensitive response to this rural setting.
- 7.18 Despite the inevitable visual and landscape changes anticipated with development, the careful attention to the site layout, the design of the dwellings, and the proposed landscaping ensures that the change would not be considered adverse. Although concerns have been raised regarding the impact on tourism and recreation (e.g., Herefordshire Trail, bridleways), the site lies adjacent to a settlement identified for growth, and thus change should be expected.

Access and highway safety

- 7.19 In addition to the requirements of Policy MT1 of the Core Strategy, Paragraph 115 of the NPPF 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 impact on the road network would be severe.
- 7.20 The development would be served by 2no. vehicular accesses in the form of private shared drives taken from the C1059. Parking, turning and garaging facilities would all be provided to the rear of the site, save for Plot 1 which would be to the front, adjacent to the road.
- 7.21 As commented by the LHA, the proposed access arrangements would meet the visibility requirements and highway perpendicularly, facilitating efficient and safe turning movements. Although detailed information on the specification of the construction access, this would be secured by Condition 7 as is standard. The level of parking is commensurate for the scale and nature of the proposed development, with details of secured cycle parking coming forward at a later stage to satisfy Condition 8.
- 7.22 The objectors note that the road through the village is narrow with limited parking / passing spaces and existing issues with HGVs/agricultural vehicles. Although this is acknowledged, the development is not considered to be of a scale and nature which would give rise to cumulative impacts in this regard which would be considered severe. It would therefore not be necessary to require the developer to fund mitigation measures (i.e traffic calming) within the highway, as suggested by local residents. It should also be emphasised that the development cannot be expected to resolve existing highway related issues.
- 7.23 Objections also outline concerns relating to the Automatic Traffic Count (ATC) conducted during the COVID-19 lockdown may not accurately reflect typical traffic conditions. Given that the LHA have not identified network capacity as an issue and that acceptable visibility splays can be demonstrated and noting that the ATC was undertaken in May 2021 (and not during a full lockdown), a re-evaluation of traffic data has not been recommended in this case.
- 7.24 With the above in mind the proposal is considered such which would not give rise to an unacceptable impact on highway safety or lead to severe cumulative impacts on the local highway network. The proposal is therefore considered to accord with the expectations of Policy MT1 of the Core Strategy, as well as the principles outlined within the NPPF.

Impact on residential amenity

- 7.25 The site lies adjacent to Hatfield, with the nearest residential dwellings of Lockleys Farm and Curates Cottage lying to the south and east, respectively. Although Herefordshire Council do not benefit from adopted separation distances, those in this case are in excess of what would generally be considered the minimum required in the interests of residential amenity. The orientation of the dwellings relative to the neighbouring dwellings together acknowledging existing and proposed boundary treatments and other intervenes such as roads and garages is such that objectors concerns relating to amenity issues cannot be substantiated.
- 7.26 The localised impact of construction could be managed through the submission of a Construction Management Plan, but the duration of impacts in this regard should nevertheless be time -limited.
- 7.27 The development would give rise to visual change. That said, there is no right to a private view; it is not a material planning consideration and this is an established principle. Light pollution impacts can be managed by way of further details submitted at a later stage, secured by condition.
- 7.28 The overall layout of the development is such that would safeguard the amenity of future occupiers with adequate private amenity space.

- 7.29 With the above in mind the proposal is considered to accord with the expectations of Policy SD1, and the principles outlined within the NPPF.

Ecology

- 7.30 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.31 The application is supported by an Ecology Report which has been undertaken by a suitably qualified Ecologist. This has been reviewed by the HC Ecology Team who concur with its findings, subject to the implementation of the basic precautionary working and detailed biodiversity enhancements being secured by way of condition.
- 7.32 The Ecology Team note the removal of small sections of hedgerow to facilitate the access but noting the existing hedgerow condition, the surrounding context and the opportunity for enhancement, do not raise objection on this basis.
- 7.33 Notwithstanding this, it is noted that the Ecology Report cannot be considered up-to-date due to it being more than 2 years old. Given the nature of the site, it is not considered that the ecological circumstances would have changed significantly but in order to ensure a robust assessment, the applicant is in the process of providing an update report. At the time of writing this has not been received and therefore the recommendation includes requirement for its submission within 3 months of the date of any positive committee resolution, allowing for review and the imposition of any relevant and necessary conditions as may be advised by the Council's Ecology Team.
- 7.34 It is noted that Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by means including 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 (Grades 1 – 3a), and of trees and woodland.
- 7.35 The objectors have emphasised that the scheme would be development of a greenfield site and in consequence, the loss of agricultural land. Although of course correct, this is expected in rural areas since previously developed land (PDL) is scarce—redundant agricultural buildings and land do not count as PDL. Consequently, the housing needs outlined in the plan cannot be fulfilled solely through the development of PDL; greenfield sites are also necessary. In this case, the development would result in a very small loss of good to moderate (Grade 3) agricultural land. It is not considered to be of such magnitude to warrant refusal.
- 7.36 Concerns have also been raised with respect to the potential for light pollution. Controls on / details of any external lighting may be secured by way of planning conditions appended to any approval.
- 7.37 Subject to the above, the proposal would comply with the requirements of Policy SS6 and LD2 of the Core Strategy, as well as the principles contained within the NPPF.

Nutrient neutrality

- 7.38 The proposed development would be sited within the catchment of the River Lugg, which forms part of the River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI). Given the nature of the development which has may impact on the designation through

foul water, surface water (and associated pollution), a Habitat Regulations Assessment (HRA) Appropriate Assessment must be undertaken to comply with The Conservation of Habitats and Species Regulations (2017) (as amended).

- 7.39 The phosphate budget of the proposed development has been calculated using an appropriate methodology and as accepted by the Council's Ecology Team. The assumed occupancy and water usage figures are standard and as agreed with Natural England. As outlined within the HRA, some changes to the standard methodology have been applied. As a low density scheme with only 40% of the site having impermeable surfaces, the phosphate leaching from the land use change is reduced to 0.26 kgTP/year. This would be controlled through the removal of permitted development rights and a maximum limit on impermeable surfaces secured by condition. Secondly, taking account of the proposed surface water drainage strategy where an attenuation / retention features would be utilised, this reduces phosphate leaching by an additional 28%, bringing the total leaching from future land use down to 0.19 kgTP/year.
- 7.40 The land use change and associated orchard planting, the above and the provision of the efficient package treatment plant is such which is able to demonstrate nutrient neutrality, subject to conditions securing the required elements. It is recommended that a management plan is provided for the open space to the north (inc. drainage features and orchard). The positive HRA has been completed with Natural England returning no objection. As such, an adverse effect on the integrity of the SAC can be ruled out.

Drainage and flood risk

- 7.41 The application site is located within Flood Zone 1 and therefore it is at the lowest risk of flooding. The application is supported by a Flood Risk Assessment (FRA) due to the site being greater than 1. ha in site area. Local residents through objections to the application have raised concerns with respect to the heavy clay soil and associated poor permeability. Photographic evidence has been supplied which shows the site suffering from standing water during the winter months / periods of heavy rainfall.
- 7.42 The groundwater was found at depths ranging from 1.3 to 1.8 meters, with infiltration testing proving unsuccessful due to the presence of approximately of topsoil over heavy clay, as locally observed. Alternative methods of managing surface water drainage have therefore been explored and features a series of swales and an attenuation basin, designed to handle a 1 in 100 year flood event plus a 40% allowance for climate change. The basin would include a hydrobrake to limit discharge flows towards a drainage ditch located 90 to the northwestern boundary, within the control of the applicant.
- 7.43 While the LLFA are supportive of the proposed surface water drainage arrangements in principle, the details of the strategy – including the maintenance and management arrangements are recommended to be secured by way of condition.
- 7.44 In terms of foul water – the proposal would include the provision of a drainage mound to deal with the effluent treated by the single package treatment plant. The use of a mound is proposed owing to the poor ground conditions, as referenced in the objections. The design of mounds is governed by building regulations, but a condition requiring details to address the flooding / surface water related matters can manage these concerns.

Climate emergency

- 7.45 It is noted that objectors have raised concerns with respect to the impact of the development with reference to the climate emergency.

7.46 In this case, the proposal would provide 5 no. purpose built dwellings which would be required to be constructed in accordance with Building Regulations. The application specifies that the proposal would provide for the following, quite expected for a development of this nature; -

- Max' solar gain
- Thermally efficient materials
- Energy efficient heating systems
- Solar panels
- Air source heating
- EV charging
- Secure bicycle parking / storage
- Recycling/ waste storage / composting

7.47 The measures are considered commensurate for the development and further requests would unlikely prove reasonable or necessary. The proposal is considered to have regard to the climate emergency and takes the appropriate steps to address it.

8.0 CONCLUSION

8.1 The development is acceptable in principle given the site's location adjacent to a rural settlement identified for some new market housing. The design and scale of the dwelling together with appropriate landscaping would ensure that there would be no demonstrable harm to visual amenity or the wider landscape. There would also be no significant additional impacts on residential amenity, and the relationship with the adjacent property remains acceptable in planning terms. There are no undue or insurmountable concerns regarding highway safety, drainage or ecology (subject to update report), and furthermore, the proposal can demonstrate nutrient neutrality. Overall, therefore, the application is considered to accord with the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

RECOMMENDATION

That subject to submission of an updated Ecology Report within 3 months of the date of the Planning Committee, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included:

Standard

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

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.

7872-01-B	Location and Block Plan
7872-02-K	Proposed Site Layout
7872-05-A	Plot4 Proposals
7872-04-A	Plot3 Proposals
7872-03-A	Plot1-2- Proposals
7872-07	Garage Proposals
7872-06-C	Plot5 Proposals

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

- 2. Prior to the commencement of development, 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 74.3-metres in the northeast direction, and 72.2-metres in the southwest direction along the nearside edge of the adjoining carriageway, for each of the proposed points of access. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

- 3. Prior to the commencement of development, details and location of the following must be 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.

No development to take place, with the exception of any site clearance and groundworks.

- 4. 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.

- 5. With the exception of any site clearance and groundwork details of the design of the proposed foul and surface water drainage arrangements 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; -**

Details of the size and siting of the proposed surface water attenuation features including outfall location;

Details of the size and siting of the proposed foul water drainage mound feature;

**Relevant calculations where appropriate and;
Management and maintenance schedules for all drainage infrastructure**

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.

- 6. With the exception of site clearance and groundworks, no further development shall take place until a landscape scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:
 - a. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
 - b. All proposed hardstanding and boundary treatment.****

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.

- 7. With the exception of any site clearance and groundwork, details of the vehicular access construction must be submitted to and approved in writing by the Local Planning Authority. The construction shall then be implemented in accordance with the approved specification, ensuring a gradient no steeper than 1 in 12.**

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

Prior to first occupation

- 8. Prior to the first occupation 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 must be submitted to and approved in writing by the Local Planning Authority. 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 occupation of the development. Thereafter these facilities shall be maintained in perpetuity.**

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

- 9. Prior to the first occupation of the development hereby approved, a schedule of management and maintenance of the non-private areas (including proposed orchard) shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.**

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

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Compliance

- 11. The hours during which construction work may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

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.

- 12. The garages hereby approved shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13. The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An “impermeable area” will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.**

Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.

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

Tree Survey – Peter Quinn Associates

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

15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in 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.

16. At no time shall any external lighting, except low power (under 550 lumens), '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 dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, unless otherwise approved in writing by the 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.

17. No more than two 6-metre sections of the existing highway side hedgerow may be removed. All remaining hedgerows must have a secure root protection area extending at least 1-metre beyond the dripline of the hedgerow plants for the entire duration of the construction works approved by this permission, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure all hedgerows 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.

18. All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) 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 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

INFORMATIVES:

1. 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 “Higher 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 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.
2. 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.

Decision:

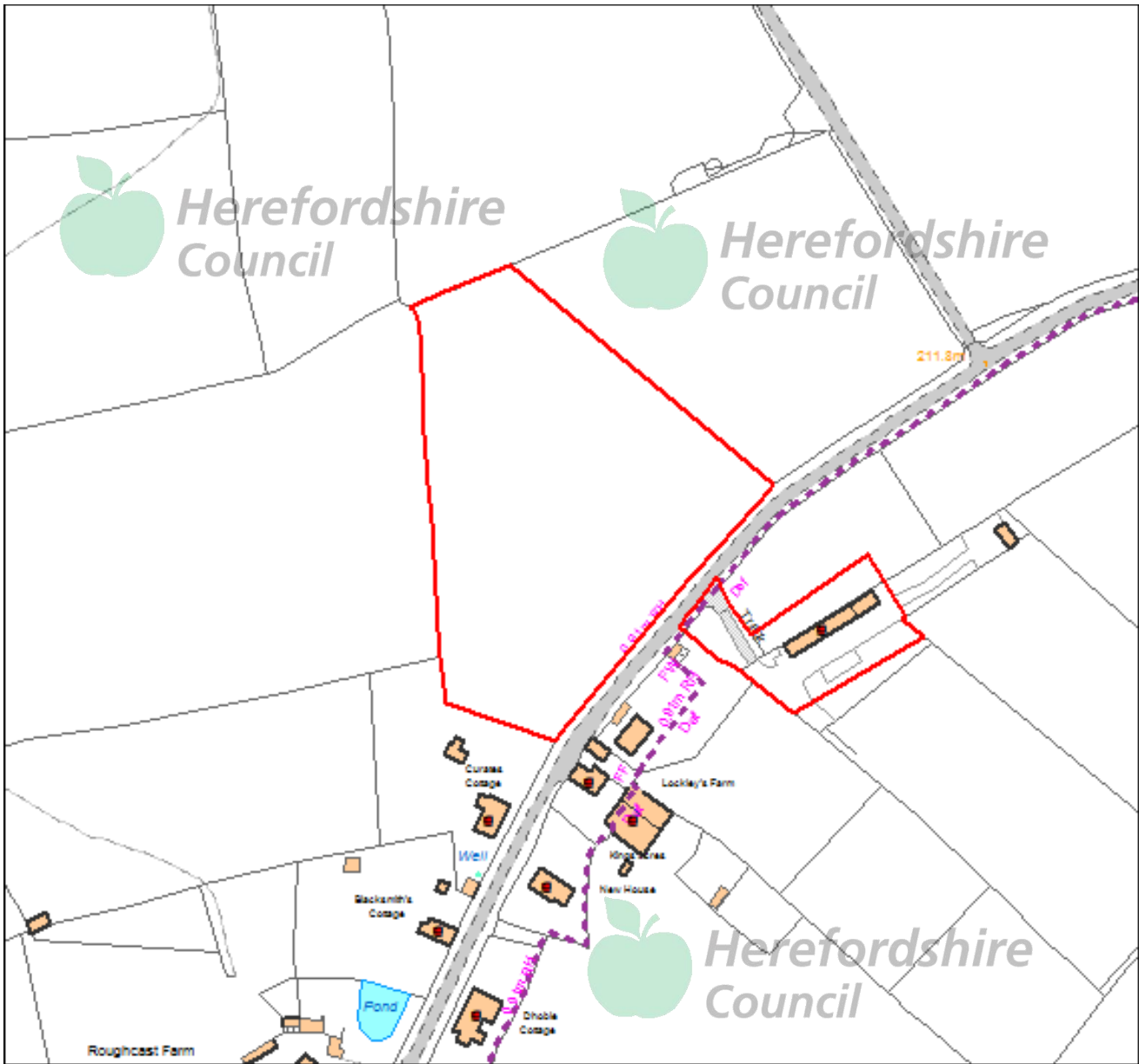
Notes:

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Appendix 1 – Habitat Regulations Assessment

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 214539

SITE ADDRESS : LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HEREFORDSHIRE, HR6 0SG

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

The Conservation of Habitats and Species Regulations (2017) Part 6, section 63

'Assessment of implications for European sites and European offshore marine sites'

Habitats Regulation Assessment

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (the 'Habitats Regulations') relating to the following **planning application**.

This HRA is carried out in accordance with the relevant guidance documents including those by Natural England at <https://www.gov.uk/guidance/appropriate-assessment>, and David Tyldesley Associates <https://www.dtapublications.co.uk/>

The HRA is carried out by Herefordshire Council. Detailed information will need to be provided by the applicant to enable the authority to make the assessment.

The Project / Plan

1.1 Planning Application Reference Number, Description and Address

Application reference number: 214539
Address: [Land adjacent C1059 Hatfield Leominster Herefordshire HR6 0SG](#)
Description: Proposed residential development of five dwelling houses with associated vehicle access from C1059 together with drainage infrastructure and planting
Applicant: Mr C Andrews
Case officer: Ollie Jones

Location OSGR: 359607 - 259809

Link to Planning Application on Herefordshire Council Website: [Planning Search – Herefordshire Council](#)

1.2 Description of the plan or project (details)

Proposed residential development of five dwelling houses with associated vehicle access from C1059 together with drainage infrastructure and planting

1.3 Documents and plans considered – *delete/ add as appropriate*

Herefordshire Local Plan Core Strategy 2011 – 2031
River Wye SAC Nutrient Management Plan
National Planning Policy Framework
The Conservation of Habitats and Species Regulations 2017 (as amended)

1.4 Planning Policy context:

None

1.5 Size (ha) and description (habitats etc.) of existing site

1.23ha of agricultural land, grazing.

1.6 Surrounding land use and context in relation to designated sites

Site is 9,4km east of River Lugg SSSI which is a constituent part of the River Wye SAC. Land between is rural in nature with rural developments and roads present.

Relevant Habitats (Natura 2000) site(s)

Please select all that apply from:

- River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI)
- River Clun SAC
- Wye Valley Woodlands SAC
- Downton Gorge SAC
- Wye Valley & Forest of Dean Bat Sites SAC (Wigpool Iron Mines SSSI)
- Other site (SAC, Ramsar)

Details of the Site:

1. River Wye SAC

The River Wye SAC covers an area of 2234.89 ha in Gloucestershire, Herefordshire, Monmouthshire and Powys.

Designated features

Qualifying habitats

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- Transition mires and quaking bogs. (Very wet mires often identified by an unstable 'quaking' surface).
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation. (Rivers with floating vegetation often dominated by water crowfoot)

Qualifying species

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Allis shad *Alosa alosa*
- Atlantic salmon *Salmo salar*
- Brook lamprey *Lampetra planeri*
- Bullhead *Cottus gobio*
- Otter *Lutra lutra*
- River lamprey *Lampetra fluviatilis*
- Sea lamprey *Petromyzon marinus*
- Twaite shad *Alosa fallax*
- White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*

Conservation Objectives of the Designated features:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

[European Site Conservation Objectives for River Wye SAC - UK0012642
\(naturalengland.org.uk\)](https://naturalengland.org.uk)

Site Condition

Site condition, for the area of the site in England, is taken from the constituent SSSI units for the River Wye SSSI and the River Lugg SSSI.

River Wye SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	TIDAL RIVER - ESTUARY TO BROCKWEIR BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	114.9234 ha	ST 537 956
002	BROCKWEIR BRIDGE TO MONMOUTH	Unfavourable - Declining	High	RIVERS AND STREAMS	36.3835 ha	SO 534 055
003	MONMOUTH TO ROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	157.0946 ha	SO 573 185
004	ROSS TO HEREFORD	Unfavourable - Declining	High	RIVERS AND STREAMS	293.5648 ha	SO 568 320
005	HEREFORD TO BREDWARDINE BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	150.1955 ha	SO 418 415
006	BREDWARDINE BRIDGE TO WHITNEY TOLL	Unfavourable - Declining	High	RIVERS AND STREAMS	122.4429 ha	SO 300 461
007	WHITNEY TOLL TO HAY	Unfavourable - Declining	High	RIVERS AND STREAMS	30.8778 ha	SO 242 458

River Lugg SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	RIVER LUGG (WYE SAC)	Unfavourable - Declining	High	RIVERS AND STREAMS	58.8726 ha	SO 530 455
002	BODENHAM WEIR TO LEOMINSTER	Unfavourable - Declining	High	RIVERS AND STREAMS	20.4404 ha	SO 503 573
003	LEOMINSTER TO MORTIMERS CROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	36.2719 ha	SO 448 623
004	MORTIMERS CROSS TO PRESTEIGNE	Unfavourable - Declining	High	RIVERS AND STREAMS	26.8469 ha	SO 366 648

Other Relevant Documents

There is a Site Improvement Plan for the River Wye which can be found at [Site Improvement Plan: River Wye - SIP199 \(naturalengland.org.uk\)](#)

Stage1: Preliminary Screening including Likely Significant Effects (LSE)

Completed by:

Fran Lancaster

Date: 3rd May 2024

Table 1: Initial Screening

Does the project or plan qualify for exemption from the HRA process?

Is the project or plan directly connected with or necessary for the conservation management of the habitat site (provide details)? If so the project may be considered exempt from the HRA process.	No
--	----

If the proposal is considered exempt from the HRA process? Has this been consulted upon and agreed with Natural England?	NA/Not exempt
--	---------------

Table 2: Screening for Likely Significant Effects (LSE)

Key issues considered:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Foul water | <input checked="" type="checkbox"/> Water pollution |
| <input checked="" type="checkbox"/> Surface water | <input type="checkbox"/> Water abstraction |
| <input type="checkbox"/> Aerial Emissions (ammonia, N deposition & acid deposition) | <input type="checkbox"/> Recreational impacts |
| <input type="checkbox"/> Construction or Demolition processes | <input type="checkbox"/> Protected species impacts (direct) |
| <input type="checkbox"/> Direct impacts inside SAC boundary (habitats) | <input type="checkbox"/> Protected species impacts (indirect) |
| <input type="checkbox"/> Impacts upon supporting habitats | <input type="checkbox"/> Other |

Details of key issues & identification of potential effect pathways

The proposal is for 5 new dwellings to be served by a Graf One2Clean Packaged Treatment Plant discharging to a drainage mound. Surface water is to be discharged to an attenuation basin and then discharged to a local ditch.

The potential effect pathways of foul and surface water and water pollution have been identified.

NB: Where avoidance and mitigation measures do not form an integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered in order to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement).

Are there any potential effects of the project or plan when considered alone?	Yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage. If 'no' then proposal must still be considered in-combination below. The identification of a potential effect pathway is sufficient to require an Appropriate Assessment i.e. no judgement on significance/ or threshold is applied at screening stage. Existence of a pathway is considered to be an LSE.</i>
Are there any potential effects of the project or plan <u>in combination</u> with other projects or plans?	Potentially yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage.</i>

Natural England consultation reference and summary (if available):

None

Summary of LSE test conclusions

- No likely significant effects – no Appropriate Assessment required and planning permission can be legally granted. A consultation with NE is not required where a proposal is 'screened out'.**
- Likely significant effects – Appropriate Assessment required.**

And, where relevant:

- Further information to inform the Appropriate Assessment required** – the applicant is advised to provide the relevant information as detailed below.

Further information required to inform the Appropriate Assessment	N/A
---	-----

Stage 2: Appropriate Assessment

Completed by:

Fran Lancaster
Date: 3 rd May 2024

Appropriate Assessment statement including alone, impacts in-combination and discussion of proposed mitigation measures

Complete the tables and boxes below, deleting as necessary. Where information is taken from supporting documents this should be quoted and fully referenced. Any documents not available on the Council's website should be provided to Natural England when they are consulted.

Table 3: Impacts of the plan/ project alone

Complete boxes as appropriate below and delete boxes for potential effect pathways which are not relevant:

<p>Foul Water Package Treatment Plant</p> <p>The proposal is for 5 dwellings to discharge foul flows to a Grad One2Clean Packaged Treatment Plant and associated drainage mound. HC Drainage have agreed the technical design for the drainage field and its location and are satisfied from a technical point of view.</p> <p>A Nutrient Neutrality Assessment and Mitigation Strategy by Nutrient Neutral (April 2024) has been provided in support of the proposed development.</p> <p>Infiltration testing at the site has revealed varying infiltration rates due to areas of clay. The drainage mound proposed in the northern area of the site will overcome the lower infiltration rates and provide sufficient infiltration for the effluent from the PTP. HC drainage are satisfied with the proposed approach.</p> <p>A Graf One2Clean packaged treatment plant is proposed, it has sufficient capacity for the proposed development and is a biological system putting out 1.6mg/l phosphate in the effluent.</p> <p>Budget Calculation</p> <p>The proposed development is for 5 dwellings and has been assessed using the NE budget calculator and acceptable adaptations of the NE methodology.</p> <p>Assumed occupancy is 2.3 person per dwelling. Water usage is 120 L per person per day (agreed as locally acceptable). Site Area – 1.23 ha.</p>

The Phosphate Co-efficient for the outflow of the PTP has been set at 1.6 mg/l based on the technical specification provided.

The **Waste Water P load** of the development is calculated to be:

Development proposal	5 dwellings
Additional population	11.5 people
Waste Water Volume	1,380 l/day
P-coefficient of PTP	1.6mg/l
TP discharged to watercourse	2,208 mg/TP/day
Convert mg to kg/day	0.002208 kg/TP/day
Convert to kgTP/year	0.81 kgTP/yr

Waste Water total phosphate load 0.81 kg/TP/yr.

The **Current Land Use** is grazing.

The **Current P Leaching Load** is 1.08 kg TP/yr.

The **Post Development Land Use** is residential urban land.

Two amendments to the NE methodology have been applied here. The proposed development is for 5 dwellings over a reasonably large site. The proposal results in only 40% of the site being impermeable surfacing. On this basis the Modified Rational Method has been applied and the phosphate leaching resulting from the proposed landuse change has been reduced to 0.26kgTP/yr. Impermeable surfacing on the site will be controlled in two ways – permitted development rights will be removed from the site and a maximum quantum of impermeable surfacing will be controlled by condition.

Further the CIRIA Guidance has been applied to the surface water element of the calculation. The use of an attenuation feature or retention basin for surface water prior to discharging flows at an attenuated rate allows for a further 28% reduction to be applied to the phosphate leaching through surface water. This reduces the phosphate leaching from future land uses to 0.19kgTP/yr.

The **Annual phosphorus export post development** is 0.19 kg TP/yr.

The **Phosphate Balance for the Site** is:

Waste Water Total P Load post treatment	0.81 kg TP/yr
Historic landuse	1.08 kg TP/yr
Post development P export	0.19 kg TP/yr
Landuse net change	- 0.89 kg TP/yr
Phosphate budget	-0.08 kg TP/yr
P budget + 20% buffer betterment	Not required where development demonstrates

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is no annual phosphorous load to mitigate and that the scheme delivers a betterment.

There will be no adverse impact upon the River Wye SAC as a result of the proposed development which delivers a betterment in terms of nutrients as set out above.

Surface Water and Water Pollution

The proposal includes the use of an attenuation feature for surface water prior to discharging surface flows at an attenuated rate to a local watercourse (ditch). The proposed attenuation feature

is appropriately sized and is technically acceptable according to HC drainage. The proposal provides appropriate levels of treatment to surface flows of low pollution risk such as roofs and private driveways. Impermeable surfacing will be used on the site for pathways and other appropriate features.

The level of treatment provided is sufficient to ensure no pollution to local watercourses and no adverse effect on the integrity of the River Wye SAC.

Table 4: Mitigation Requirements and Outcomes

No mitigation is required.

Table 5: Remaining Impacts

None

Table 6: Consequences for Conservation Objectives of the Designated Site

Impacts on maintaining the favourable condition of the site	None – the scheme delivers a betterment
Disruptions or delays in progress towards achieving the conservation objectives of the site	None – the scheme delivers a betterment
Alterations to natural progression or other natural changes within the site	None – the scheme delivers a betterment
Loss of key habitat/ species features. Fragmentation or isolation of key species and habitats. Impacts to diversity, distribution, density, balance, area or population(s) of key species or habitats that are indicators of the favourable condition of the site, including from disturbance	None – the scheme delivers a betterment
Alterations to the ecological relationships and balance between species and habitats that are key to the structure/ function of the site	None – the scheme delivers a betterment
Alterations to nutrient balance or other processes vital to the functioning of the ecosystem	None – the scheme delivers a betterment

Table 7: Integrity Test

Will there be an impact upon the Integrity of the Designated Site?

There will be no adverse impact upon the integrity of the River Wye SAC and there is no legal barrier to planning permission being granted.

Table 8: Are there Alternative Solutions to the proposal?

If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation then alternative solutions must be considered.

None

Please Note: Where there are no satisfactory alternatives then consideration may be given to whether the proposal could follow the Imperative Reasons of Overriding Public Interest (IROPI) route. Is this

option is under consideration for a plan or project then specialist legal advice should be sought and followed.

Table 9: Recommended planning conditions to secure mitigation which is required in order to achieve no effect on integrity of the Designated Site.

Permitted development rights must be removed from the site in order to ensure that impermeable surfacing on the site is fixed at 40% over time and that there is no 'urban creep.'

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

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

2. The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An "impermeable area" will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.

Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.

Conclusion of the Appropriate Assessment:

Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that **there would be NO** adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.

Please Note: The authority must consult Natural England on the draft HRA and must have regard to the advice of Natural England before granting planning permission.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JULY 2024
TITLE OF REPORT:	<p>230385F and 230286L - PROPOSED RENOVATION AND ADAPTATION OF THE EXISTING HEREFORD MUSEUM AND LIBRARY TO BECOME A DEDICATED AND ENHANCED FACILITY FOR HEREFORDSHIRE MUSEUM SERVICE AND VIABLE FOR THE FUTURE. THIS WOULD COMPRISE A MUSEUM, EDUCATION SPACE, GALLERIES, CAFE, AND STAFF FACILITIES. AT MUSEUM, HEREFORD LIBRARY, BROAD STREET, HEREFORD, HEREFORDSHIRE, HR4 9AU</p> <p>For: Mr Allonby per Mr Paul Neep, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD</p>
WEBSITE LINK:	https://myaccount.herefordshire.gov.uk/documents?id=e92c62e6-ac7a-11ed-9067-005056ab11cd
Reason Application submitted to Committee - Council Owned Land/Building	

Date Received: 6 February 2023

Ward: Central

Grid Ref: 350895,239841

Expiry Date: 19 July 2024

Local Member: Cllr Catherine Gennard

1. Site Description and Proposal

- 1.1 The applications seek both full planning permission and listed building consent for renovation and improvements to the Hereford Museum and Art Gallery in Hereford to refurbish and renew the Hereford Museum and Art Gallery to become a dedicated and enhanced facility for Herefordshire Museum Service. The proposed works consist of a museum, education space, galleries, cafe, and staff facilities.
- 1.2 The site is located as part of a terrace of retail and commercial units within a prominent position on Broad Street within the city of Hereford. The host building is an impressive and visually prominent building located on the west side of Broad Street close to and opposite Cathedral Close. The building covers the full depth of the plot from Broad Street through to Aubrey Street to the rear, the property is Grade II Listed and fronts the main road and pedestrian pavement. This can be seen within Figures 1 and Figures 2 overleaf.
- 1.3 The development is proposed by Hereford Council and this application will be supported through the Government's Stronger Towns' Fund as it was part of Hereford's successful bid for £22.4m to support 15 projects which all aim to create a greener, fairer city. It is also being supported by the Heritage Lottery Fund.

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

The application submission contains a range of supporting documentation:-

- Design and Access Statement
- Heritage Report
- Archaeology and Heritage Desk Based Assessment
- Bat Report
- Conservation Management Plan
- Structural Report
- Windows and Doors Report
- Visual Impact Assessment
- Ecology Checklist
- Climate Change Checklist
- Heritage Report
- Archaeological Observation
- Conservation Management Plan
- Response to Civic Society



Figure 1: Site location Plan

- 1.4 A brief architectural description of the library and museum can be found in Brooks' update of Pevsner's architectural guide on Herefordshire which states:

"Public Library and Museum, Broad Street. By F.R.Kempson 1872-1874. Of blue grey Pontypridd sandstone, narrow coursed, with golden Campden ashlar dressings. The style is 'Anglicised Venetian Gothic,' according to The Builder, 1875. Three Storeys. Ground

floor with five-bay arcade on Radyr stone piers; the two upper floors with windows arranged 2:3:2, trefoil-headed on the second floor...

Otherwise much dogtooth and other ornament, plus an astonishing array of fauna and flora... those of the ground-floor capitals represent Europe, Asia, Africa and America. Beasties even break out from the quatrefoiled parapet. The first-floor Woolhope room has two fireplaces with fine Godwin tiles in early Morris Style. The second-floor museum was originally top-lit. Rear extension by Groome & Bettington 1911-12...red brick, large segment-headed mullioned-and-transomed windows, linked by hoodmoulds." (Brooks & Pevsner 2012).

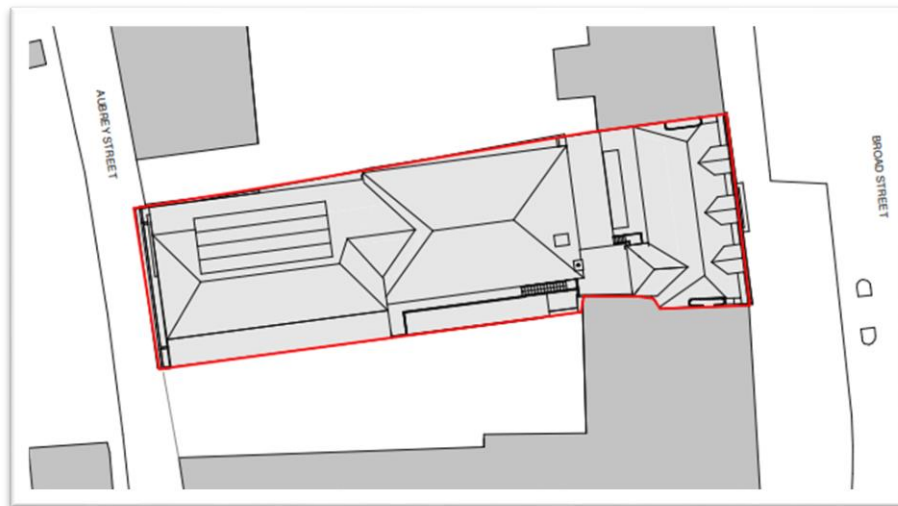


Figure 2: Block Plan

- 1.5 Hereford city is an 'Area of Archaeological importance' (AAI) based on evidence of continuity of occupancy from the 7th Century, much of which is deeply stratified, with well-preserved Saxon and medieval defences. The AAI was designated under the Ancient Monuments and Archaeological Areas Act (1979). The site also lies within the Hereford Conservation Area and the nearest scheduled monuments are the city walls, ramparts and ditch and Wye Bridge.
- 1.6 The host building is Grade II listed and this reflects its architectural interest of the building as an example of work of local architect FR Kempson and its historical interest that it was funded by Sir James Rankin and incorporates the reading room which has served as the home of the Woolhope Naturalists Field Club
- 1.7 The Museum falls into three main parts:
 1. The ornate architectural set piece of the Broad Street range, built in 1874 and designed to impress, and incorporating the Woolhope Club reading room;
 2. The 1874 gallery range designed on a more purely functional basis;
 3. The 1912 extension which is also more functional in character but is architecturally distinct and exemplifies the progression of architectural fashion that had taken place since the 1870s.
- 1.8 While all contribute to the architectural and historic interest of the listed building, the greatest significance lies in the original Broad Street range.
- 1.9 The Museum makes a positive contribution to the architectural and historic interest of the conservation area as an attractive part of Hereford's rich streetscape and roofscape, which in this instance is seen in the context of the Grade I listed Cathedral including in important views from the Cathedral tower roof.
- 1.10 The constraints notably influencing the determination of this application include:-

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

- Area of Archaeological Importance – Hereford City
- Grade I listed building – Hereford Cathedral (lying to the north-west)
- Hereford (Central) Conservation Area

1.11 The proposal is for both full planning permission and listed building consent. Please see below an overall of the proposal following submission of revised drawing and supporting documentation:

Basement:

- Front basement outside thermal envelope, not tanked, made good where required, existing walls retained, insulated at ceiling level, refuse store removed. Only light ventilation required to manage damp. Confirm services requirements and plant space.
- Only element of basement in thermal/airtightness envelope will be the stairs.
- Lift not taken down to basement, basement instead used for lift pit so no need to excavate (removing concern around unknown archeology).
- Rear basement changed from close controlled environmental space to storage/office environment. Existing wall and strong room door retained. Office moved internally and reduced in size.
- Aubrey Street stair significantly simplified, now has simple stair design, space to existing windows, no breakout spaces, a single vertical fire compartment line and reuses the existing Aubrey Street door opening instead of creating a new one and blocking in the previous.
- Goods lift reduced in size to simplify response to existing foundations and retention of heritage fabric.
- New floor design in middle exhibition space amended to allow for raised access floor to allow for potential encapsulation of asbestos.

Ground Floor

- Openings either side of entrance area reduced in height, roller shutters omitted and replaced with simple glazed wall and doors (not shown on new plan yet – under development).
- WC under stairs reduced in size to existing size (note not now sized as disabled wc – this can be found at first floor level).
- Historic Stair, note opening up works have found a steel stair structure of significant heritage quality, this will need a new approach to remove linings and expose.
- Breakout room from first floor moved to space previously shown as store.
- Exhibition 02 increased in size as a result of stair and goods lift re-design.
- The need for new structural columns to reinforce existing piers can now hopefully be avoided due a change to the structural strategy for the top floor,
- Secondary doors to lift changed to flush (hidden doors).
- Aubrey Street stair simplified, note as basement.
- Goods lift reduced in size, note as basement.
- Likely need to introduce 2 sets of doors on entrance to this space, first a secure, heritage type door and then a simple automatic glazed sliding door to enable better control of internal environment (and simplified services design).
- Door moved to align with middle arch of original 3 arch screens between rooms. Arch either side to be referenced in surface finish (ie slight recess).

First Floor

- WC, Staff Kitchenette and Changing Places WC re-planned to better respond to new window opened up, show heritage features, increase WC provision and experience.
- Top level of stone tracery window (currently blocked up), to be opened up to form window into Staff Kitchenette.
- Glazed screen added to door into toilet area (within size of existing window opening).
- Aubrey Street stair simplified, note as basement.
- Goods lift reduced in size, note as basement.

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

- Reduced window to stair core.

Second Floor – no changes proposed

Third Floor

- Store off central exhibition omitted, replaced with plant external plant space (note change of insulation line, this space will have a perforated corten screen to allow airflow but appear as part of the same elevation). Formation of door opening through historic fabric no longer required.
- Exhibition 04 increased in size as a result of stair and goods lift re-design.
- Secondary doors to lift changed to flush (hidden doors).
- Glazed screen adjacent door to rear stair omitted.
- Aubrey Street stair simplified, note as basement.
- Goods lift reduced in size, note as basement.
- Likely need to introduce 2 sets of doors on entrance to this space, first a secure, heritage type door and then a simple automatic glazed sliding door to enable better control of internal environment (and simplified services design).
- Reduced window to stair core.

Fourth Floor

- Reduced window to stair core.
- Plant space to south, see third floor note.

Fifth Floor

- Beacon relocated to be accessed from lower terrace, café and education space. Changed to unheated space within glazed box to reduce fabric cost as well as size and impact, whilst improving views out.
- Dormer designs simplified and reduced in number/rationalized in response to HBO comments.
- Education space rotated and increased in size, using large picture window dormer.
- WC's moved into new lift lobby area that can also be used as cloakroom for school groups or events.
- Aubrey Street stair simplified, note as basement.
- Goods lift reduced in size, note as basement.
- General Store changed to Cleaners Store off cafe

Roof Level:

- Beacon relocated to be accessed from lower terrace, café and education space. Changed to unheated space within glazed box to reduce fabric cost as well as size and impact, whilst improving views out.
- As new beacon design allows for maintenance access to flat roof and PV's, the roof access hatch can be omitted.
- Roof terrace increased in size as a result of relocating beacon (terrace design in abeyance until Landscape Architect appointment)
- Lift overrun roof element changed from corten to tiled
- Now PV area is more visible, proposed to change to simple low level sedum roof between pv's to enhance biodiversity / environmental element as well as make more visually attractive

Changes to elevations:

Key Changes:

- Beacon relocated to be accessed from lower terrace, café and education space. Changed to unheated space within glazed box to reduce fabric cost as well as size and impact, whilst improving views out.
- Dormer designs simplified and reduced in number/rationalized in response to HBO comments.

- Lift overrun roof element changed from corten to tiled.
- Solid balustrade with cut outs changed to lower solid element and glazed balustrade above to reduce impact and improve views for children and wheelchair users.
- New fish scale type tiles replaced with approach to re-use existing tiles where possible.
- Corten façade simplified in detail and perforated panel elements used for air flow to plant equipment and in front of some windows.
- Dark render and brick to low level replaced with light sand coloured render.
- Corten band around base of mansard roof replaced with extension of brick to cover ring beam.

1.12 To assist with visualization please see elevation drawings as submitted:

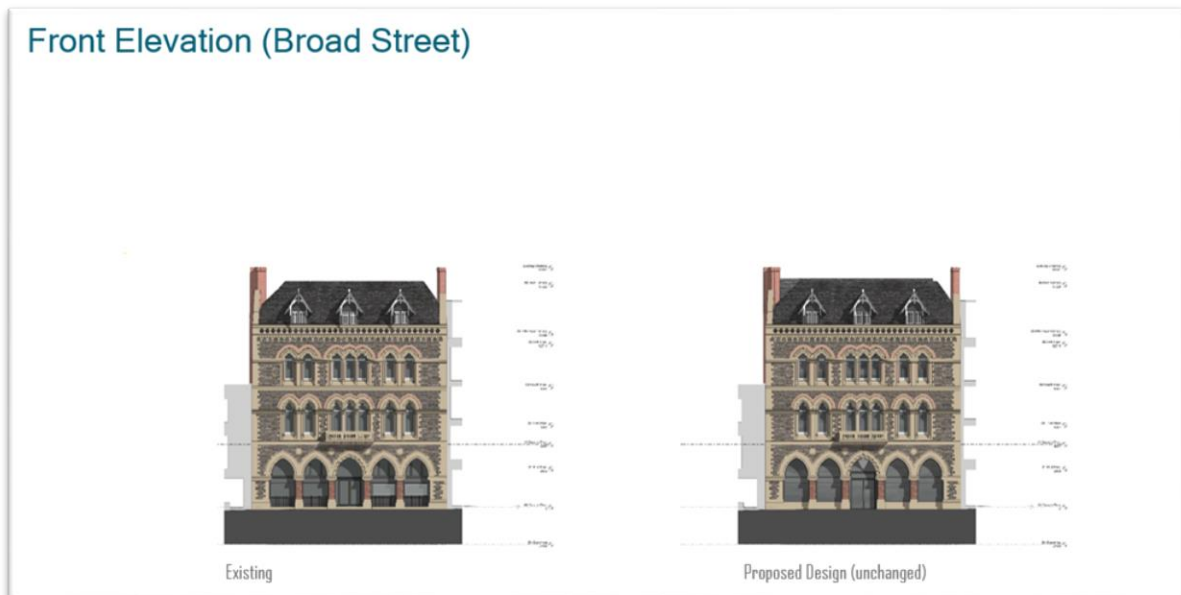


Figure 3 : Front Elevation



Figure 4 (South Elevation) above:

West Elevation (Aubrey Street)

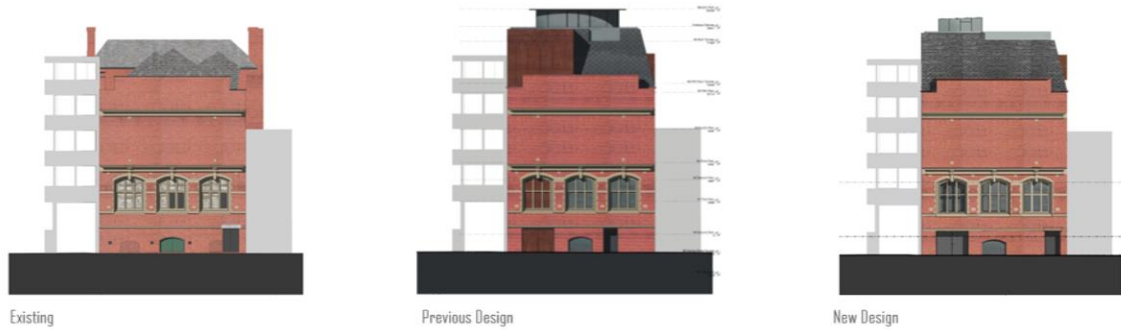


Figure 5: West Elevation

North Elevation



Figure 6: North Elevation

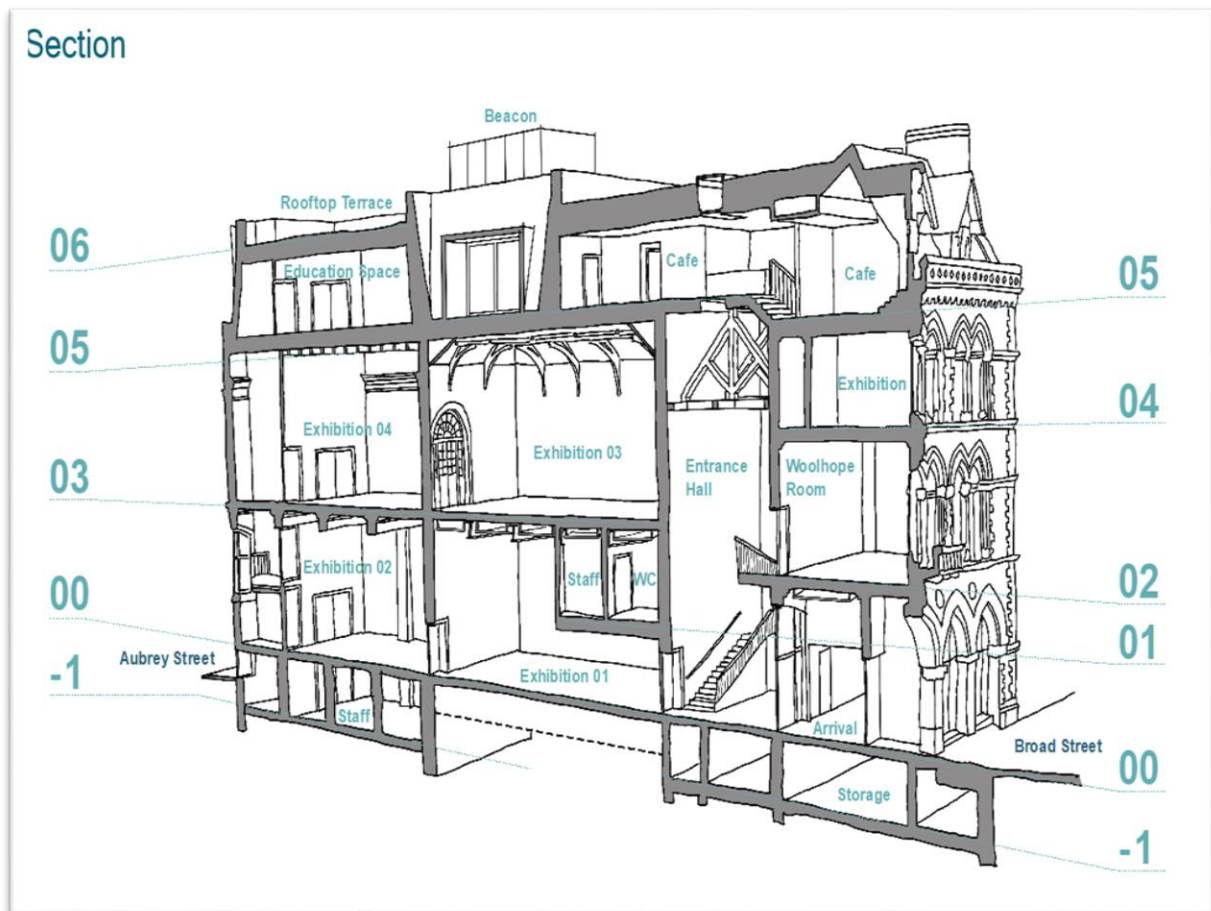


Figure 7: Section Drawing

- 1.13 In order to facilitate the creation of a dedicated museums and art gallery space the library provision is to be relocated to the Shire Hall.

2. Policies

Herefordshire Local Plan:Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- HD1 – Hereford
- HD2 – Hereford city centre
- SC1 – Social and community facilities
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green Infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality
- MT1 – Traffic management, highway safety and promoting active travel

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF require a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core

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

Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th 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 relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight.

2.1 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 **Minerals and Waste Local Plan (MWLP): Adopted March 2024**
<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan>

Policy SP1: Resource Management

2.3 **National Planning Policy Framework (December 2023)**

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

2.4 The NPPF, together with relevant documents and revisions, can be viewed via the link below: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.5 NPPG: The associated Planning Practice Guidance (PPG) can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

2.6 **Other relevant guidance:**

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

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

Legislative Context

2.7 Listed Buildings and Conservation Area

- Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must 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.
- Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area,

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

the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area

3. Planning History

3.1 193462/L: Listed Building Consent. Granted 21st November 2019. Widening of the existing door and forming an additional opening in the wall between the room and the library mezzanine. Opening up of the two internal window spaces. Inserting glazed screens within openings with photographic images of Hereford. Inserting glazed screens to form office space and providing a kitchenette. Repairing the existing lath and plaster soffit and plastered walls with lime plaster. Uncovering and restoring/displaying the gothic window. Adding ceiling mounted Breathing Building natural Ventilation system. The existing window W1 is to be removed and replaced with a shallower fixed double glazed window to match existing.

163166/L: Listed Building Consent: Granted 10 November 2016: Minor alterations and refurbishment after removal of asbestos from property.

152044- Full various internal works, to incorporate new service provision for adult wellbeing and independent living. Granted 13 August 2015

4. Consultation Summary

Statutory Consultations

4.1 **Historic England: No objection: Comments dated June 2024**

Thank you for your letter of 28 May 2024 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Historic England: No objection: Comments dated July 2023

Thank you for your letter of 27 June 2023 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any further comments than those already expressed in our letter of 16 March 2023. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Historic England: No objection: Comments dated March 2023

Thank you for your letters of 24 February 2023 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

The proposals are for a comprehensive suite of works to renovate, adapt and extend the Grade II listed Hereford Museum & Art Gallery in order for it to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. Historic England was involved in substantive discussions at pre-application stage, during which most of the issues that we raised were addressed through the development of the design. The remaining issues have now been addressed through the application submissions.

We recognise that the proposals will cause harm to the significance of the Museum building, particularly through the loss of historic fabric linked to the extensions and changes at roof level. However, we acknowledge that convincing justifications have been submitted for the works and that there are clear public benefits, including heritage benefits, and we can see some very positive aspects of the scheme overall.

Therefore, we have no objection to the applications on heritage grounds.

Historic England Advice

Significance of the heritage assets

The Hereford Museum & Art Gallery, which currently also incorporates the Library, is listed Grade II (List Entry Number 1280595). The building is located within the Central Area Hereford Conservation Area and the Hereford Area of Archaeological Importance. Its Grade II listing reflects its architectural interest as an example of the work of the local architect F.R. Kempson in a Venetian Gothic revival style typical of the 1860s-70s, as well as its historic interest as a philanthropic gift to the people of Herefordshire by Sir James Rankin and as the home of the renowned Woolhope Naturalists Field Club.

The Museum falls into three main parts:

1. The ornate architectural set piece of the Broad Street range, built in 1874 and designed to impress, and incorporating the Woolhope Club reading room;
2. The 1874 gallery range designed on a more purely functional basis;
3. The 1912 extension which is also more functional in character but is architecturally distinct and exemplifies the progression of architectural fashion that had taken place since the 1870s.

While all contribute to the architectural and historic interest of the listed building, the greatest significance lies in the original Broad Street range.

The Museum makes a positive contribution to the architectural and historic interest of the conservation area as an attractive part of Hereford's rich streetscape and roofscape, which in this instance is seen in the context of the Grade I listed Cathedral including in important views from the Cathedral tower roof.

Given Hereford's particular archaeological importance and the proximity of the site to the ancient core of the city, it is likely that the ground below the building holds potential archaeological significance.

Impact of the proposals

The proposals are for a comprehensive suite of works to renovate, adapt and extend the existing building in order for it to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. The building will provide a museum, education space, galleries, café, and staff facilities. The Library is to be relocated elsewhere.

Historic England has been involved in pre-application discussions regarding the proposals since 2021. We provided Initial Pre-application advice on the RIBA Stage 2 proposals, followed by Extended Pre-application advice focused on outstanding heritage concerns, such as the loss of the rear gallery ceiling. Our Extended Preapplication advice included input from our Engineering Team.

The pre-application discussions were constructive and many of the issues that we raised at earlier stages were addressed through the development of the design. We reached a position where we were broadly supportive of the proposals and accepted the principle of roof extension and the general massing and design approach.

We acknowledged that the reordering of spaces and the roof extensions would entail loss of historic fabric, which would cause harm to the significance of the building. However, we could see

that the proposals were likely to be justified by public heritage benefits associated with opening the building up to greater numbers of visitors and making it more accessible, as well as improving circulation, fire safety and thermal efficiency.

A small number of concerns remained outstanding at the conclusion of our Extended Pre-application discussions (the applications were submitted before we were asked to send our concluding written advice):

1. Removal of 1912 exhibition room ceiling in rear block

We requested additional justifications for the removal of the 1912 ceiling in the rear exhibition room, and evidence that all alternative options for its retention had been explored. We note the submission of the further options appraisal and justifications in the Heritage Statement and the technical note by Barnsley Marshall, which confirm the viability issues with retention of the ceiling. Installing a new structure above the ceiling to support it would lead to a 1.2m increase in the height of the roofs, which would create additional levels of harm to views from within the cityscape. On balance, therefore, we accept the justifications for removal of the ceiling.

2. Windows on main Broad Street elevation

We raised concerns about proposals to install secondary glazing on the first and second floor windows of the Broad Street elevation. We recommended an alternative combination of repairs to the historic window frames with double-glazed panes. We note from the Archetype Windows and Doors Report that it is no longer proposed to install secondary glazing into the Broad Street windows. The existing window frames will be retained and repaired, with slimline vacuum insulated glazing to replace the existing glazing. This addresses the concerns we raised at pre-application.

3. Rear block Library windows facing south

We raised concerns about the boxing in of the proposed secondary glazing with the wall insulation and suggested placing the secondary glazing within the window reveal. We note from the Archetype Windows and Doors Report that the new secondary glazing in the south windows is to sit within the depth of the window reveal, retaining the aesthetic of the original window/wall plane relationship. The new sections of insulation will stop short of decorative moulding details such as coricing and corbels. This addresses the concerns we raised at pre-application.

Archaeological impacts

The Museum site is located within the historic core of the city, and in particular, on a feature known as the King's Ditch. The King's Ditch is a natural stream valley running north-south that retains important archaeological information on the development of settlement. The information is likely to enrich our understanding of the settlement from its earliest stages through the Roman, early Medieval and Medieval period and will contribute to the significance of the Hereford Area of Archaeological Importance (AAI).

We note the comments by your authority's planning archaeologist on these applications. Through their detailed knowledge of the AAI, they are best placed to provide advice on the necessary detail required to support the application and also to minimise harm. We therefore recommend that they continue to be closely involved in the specification of assessment work, your assessment for determination, and the detailing of appropriate mitigation.

Relevant statute and policy considerations

In considering whether to grant listed building consent and planning permission, local authorities are required under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 194 of the National Planning Policy Framework (NPPF, July 2021) states that local authorities should require applicants to describe the significance of any heritage assets affected by their proposals, including any contribution made by their setting, in a level of detail sufficient to understand the potential impact of the proposals on their significance. Paragraph 195 of the

NPPF requires local authorities themselves to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Historic England position

We have considered the proposals in light of the statute and policy considerations outlined above, and in light of the substantive engagement we had at pre-application stage.

We recognise that the proposals will cause harm to the significance of the Grade II listed Museum, particularly through the loss of historic fabric linked to the extensions and changes at roof level. This harm will be less than substantial and should be weighed against the public benefits of the proposal. We acknowledge that convincing justifications have been submitted for the works and that there are clear public benefits, including heritage benefits. We can see some very positive aspects of the scheme overall.

Therefore, we have no objection to the applications on heritage grounds.

We defer to the views of your authority's conservation officer on matters of detail, and whether the impact of the roof extension proposals on wider views of the city have been addressed at a sufficient level.

We recommend that your authority's planning archaeologist continues to be closely involved in the specification of assessment work, your assessment for determination, and the detailing of appropriate mitigation.

Recommendation

Historic England has no objection to the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 194, 195, 200 and 202.

Your authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decisions in due course.

4.2 Welsh Water: No Objection: Comments dated May 2023

Having reviewed the submitted proposed drainage layout drawing no. HMAG-BML-XX-XX-DR-C-0500 P03 we are happy to remove our holding objection and offer the below comments.

We can 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.

Turning to surface water, given this proposal is for the regeneration of an existing building with site constraints which would not allow for any sustainable options for the disposal of surface water, we are happy to continue accepting surface water into the combined public sewer as per existing.

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 from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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 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.

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.

Welsh Water: holding objection comments dated March 2023

Having reviewed the submitted proposed drainage layout drawing no. HMAG-BML-XX-XX-DR-C-0500, the proposed connections are unsuitable due to the connection from the rainwater pipe connecting against the flow of the public sewer. In addition, the layout refers to a proposed pumping station which would result in a pumped foul water connection directly into the sewer, with no upstream break chamber, which we would not allow. We would therefore request that a HOLDING OBJECTION is placed on this application at this time until a revised drainage layout has been submitted and we are re-consulted.

- 4.3 **Cadent Gas: No objection: Comments dated March 2023:**
Request addition of an informative note.

Internal Council Consultations

- 4.4 **Historic Buildings Officer: No objection: Comments dated June 2024**
Summarised as follows and full comments in Appendix 1

Summary

The applications are for the renovation and adaptation of the existing Hereford Museum and Library a listed building to become a dedicated and enhanced facility for Herefordshire Museum. This would comprise a museum, education space, galleries, cafe, and staff facilities. The existing

fabric and services are to be upgraded to improve the museum environment and energy efficiency of the building while maintaining, and aiming to enhance, the key historic value.

The building is prominently sited within the Herefordshire Conservation Area and is listed and in proximity to other listed buildings.

The proposal would need to be assessed against Section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the protection of listed buildings and their setting, and in addition Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SS6, LD1 and LD4.

The applications have received comments previously which have resulted in a new suite of plans, which seek to address the previous concerns, and also resolve the need for further information/investigation work via conditions wherever possible.

I acknowledge the level of information provided with the application and the consideration given to addressing the issues, most notably the relocation of the viewing beacon to a less visible location when viewed from key viewpoints, and the external appearance of the new build element, which would be considered as an improved design change in terms of the prominence of the building and its impact on King Street, and when viewed from wider distances.

The works include a degree of insulation that is not readily acceptable in listed building as a result of the visual impact the insulation would have on the architectural features of the interior. However it is duly acknowledged that the building works are to facilitate a public building for public use, and maintain the museum artefacts in appropriate climatic conditions and as such different considerations would apply in this instance in respect of the works to the historic fabric, which are to improve the museum exhibitions and artefacts in appropriate climatic and light controlled conditions. As such the insulation utilised is a bespoke solution to maintaining this building for the use it was originally constructed, and should not be considered as a precedent in other cases where different considerations would apply.

The works to the building are quite substantive and will involve the removal of some historic fabric; the roof over the later additions, the glass ceiling in the rear upper floor museum, the private stairs to the librarian quarters, and the opening of some walls. Some features will not be removed but will be obscured by insulation, such as the skirting's boards, and library windows. These would be considered as less than substantial harm to the listed building when considered individually and cumulatively. This triggers the balancing exercise in paragraph 208 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm. In weighing up the public benefit of the proposal consideration should be given to the benefits to the listed building in terms of; the removal of modern features such as suspended ceilings in the stairwell, re-instatement of blocked up windows on the northern elevation and the western elevation facing Aubrey Street, the wider use of the building for its original intended use, and any public benefits accruing from the development.

Many of the previous drawings have been superseded, and/or additional plans submitted. As such to provide clarity I am not repeating my previous summary table, merely providing a summary of previous comments, but have retained the item number to enable cross referencing between responses. The plans I understand to be superseded have been crossed through.

Whilst the planning considerations and balance will be made by others, in terms of the balancing exercise in respect of the listed building and conservation area only I would not raise a built heritage objection on the latest set of plans, which have evolved in response to previous concerns raised. Whilst a substantive amount of investigative works and plans have occurred, I would still recommend a few conditions be considered in respect of the listed building considered, which are below the summary table

Historic Buildings Officer: Objection: Comments dated June 2023: Full comments in Appendix 2

Historic Buildings Officer: No objection: Comments dated April 2023 full comments in Appendix 3

4.5 Archaeology Advisor comments: No objection:

Comments dated June 2024

There may be, but are unlikely to be, particular new implications for the below ground resource as a result of the changes.

Unless new concerns are manifest (I shall advise you very shortly if any are) I do not need to provide any further comments, and you should progress matters accordingly.

Archaeology Advisor comments: No objection

Comments dated April 2023

With reference to my previous comments on this application (memo of 03/03/2023) I can confirm that the requested further information [relating to geotechnical evaluation and foundation design] has now been supplied in full, and that this documentation is acceptable. My initial concerns have been allayed.

Accordingly, I am now able to advise approval of the application, as far as archaeology is concerned.

However under LD4 of the Core Strategy and Para 205 of the NPPF, it will be essential to attach the following archaeological conditions to any permission that may be granted.

- Standard condition C48 (archaeological survey and recording)
- Standard condition C50 (Submission of foundation design)

The overall purpose of the conditions here is to ensure that ground disturbance is kept to a minimum within the current design parameters, and to secure a suitable high level archaeological mitigation project prior to/during any construction works.

Archaeology Advisor comments:

Comments dated March 2023

Although a significant amount of acceptable information has been submitted with this application, further limited information is nevertheless required, for policy purposes, for the public record, and to allow for better advice to be given prior to determination:

1. *Full details need to be provided of the exploratory geotechnical ('GI') works undertaken in the latter part of last year (i.e. the exploratory works undertaken to assess the load bearing capabilities of the current foundations). Those GI works were subject to an archaeological watching brief, the final results of which need to be properly described within the application.*

2. *Full details need to be provided of the current strategy for such enhanced / new foundations and other groundworks now thought to be necessary to safely construct the upward extension of the building as envisaged. As things stand, minimal information relating to this has been provided in the application, and more is sought. The risks are currently unclear.*

I would consider 1 and 2 above as being fundamental to this key question for Hereford AAI: what degree of below-ground harm will be caused by the projected new build, and how could this harm be suitably reduced or mitigated?

DETAILED COMMENTS

In making detailed comments on this application I am - as is normal in relation to proposals for the historic city - focussing on archaeology as commonly understood, i.e. finds, below ground remains and the extent to which such remains may be affected. That is not to say the evident additional issues relating to above ground form, appearance and 'setting' are unimportant, but that those issues will be more appropriately addressed by others, including (e.g.) my colleagues in Conservation and by Historic England. It is strongly emphasised that the whole site is at the heart of the designated Hereford Area of Archaeological Importance or 'AAI', and that - as currently proposed - there will be an appreciable impact on the high value remains the museum and library building is sat upon.

The proposal to renovate and adapt the building has of course been in the offing for some time, and clearly there should be significant public benefits involved. In fact, in this case, there will be *direct* archaeological benefits, linked to improvements in the curation and display of key finds relating to the county and beyond. In the more general sense, it will be important to ensure that such benefits stay at the heart of the new vision, rather than becoming peripheral. In earlier iterations, it seemed that the scheme was not ground invasive – indeed, pre application advice was given on that basis (26/7/2021). However, it has recently become apparent that appreciable groundworks will in fact be necessary, and this changes things.

As is acknowledged and discussed in the application, the building is situated in a particularly sensitive location within the AAI (Ancient Monuments and Archaeological Areas Act 1979), very close to the cathedral. Topographically, in antiquity, what was to become the cathedral site was formed of a slightly raised gravel 'terrace' to the south east. What was to become the site of the [now lost] church of St. Nicholas, at the junction of King Street and St Nicholas Street, occupied a similar terrace to the west. The land between consisted of a large essentially prehistoric feature, a since gradually infilled North – South wet 'valley' - a buried feature referred to in previous studies as "The Kings Ditch".

This Ditch is the most significant and potentially problematic feature that the works will impact on, especially as regards the eastern portion of the building footprint, where it exists as a deep archaeological 'channel' crossing beneath the existing build. As is described in the submitted desk based assessment and elsewhere in the application, the nature and configuration of this ditch has been subject to numerous observations along its length as it runs down (eventually) to the Wye. It should be remembered moreover that this ditch may not be the only archaeological feature to be affected; it is possible, within the historic city, that a whole range of Roman to Medieval period finds and structures will be encountered.

Having said that, this ditch is plainly the principal concern. The challenge, having regard to the nature of the feature, and of the proposals, is how best to conserve /enhance it 'by record', were a planning permission to be granted. Although full details have not yet been provided - as was requested- of the likely groundworks, it would appear that the following broad methodology is favoured: Some grout- strengthening of existing footings would be used, in combination with the proportionate insertion of new pile rows and clusters, and occasional pits where new lift works etc. are required. I can confirm that I have been involved in initial discussions around foundation design, and how a good quality archaeological excavation and

recording project might operate in tandem. Nevertheless, there is currently a deficit in terms of the information actually submitted.

In my estimation, The Kings Ditch, whilst it may intermittently manifest some localised complexity, will mainly comprise successive large scale layers of various kinds of infill through the ages. In that sense, it will manifest a simpler sequence than many other stratigraphic sequences found in the AAI. On the other hand, because of the likelihood of preserved organic materials from prehistory onwards being present (e.g. important peat deposits, medieval leatherworking debris etc.), there will be an imperative to properly *sample* the deposits encountered during any excavation works following any permission. Given the depths involved, this may be challenging and expensive, but certainly in a national context the kind of archaeology ultimately needed here is well understood and precedented.

On the whole, I would regard the application as being broadly compliant with Para 194 of the National Planning Policy Framework, as it relates to archaeology and the provision of information describing the significance of heritage assets affected. However, it is not just a simple understanding of *the site* that needs to be arrived at, but a proper understanding also of the below ground works needed, and thereby *the impact of the proposal on that significance*.

In conclusion,

1. I note that much of the initial work /reports needed in updating the GI watching brief, and putting forward the details of groundworks, has actually been done, but the data relating to it has not been provided in a comprehensive and meaningful way within the actual application. Stand-alone reports are needed as soon as possible.
2. As the application progresses toward determination it is likely that I will need to provide further advice on the technical specifics of what has been, or continues to be, submitted. A question that might arise is whether there is any need for, or value in undertaking, any additional exploratory works prior to determination – i.e. some more extensive field evaluation. In my view, that will not be necessary or even beneficial, given the very good potential baseline that already exists, and the risk of damaging what we are seeking to protect.
3. Without prejudice, if the concerning issues I have raised above are satisfactorily addressed, and a decision is ultimately taken to permit and proceed with this development, it will be necessary for me to consider what mitigation measures would be appropriate via planning. That would of course be a matter for another day, but I think it is helpful to at least consider the possibilities in advance.

Other matters

- **AAI Notification.** *If* the application is approved, it will be necessary for a valid notification to be made under Section 35 of the 1979 Act, prior to any ground disturbing works forming part of the development. The reason I am raising this matter now is the particular and unusual circumstances involved, which may make this less straightforward than is generally the case. In the vast majority of other instances, such notification is of course made to myself, as normal representative of the administering and ‘investigating authority’.

However, because in this case the developer is explicitly named as Herefordshire Council itself, the required notification will very likely need to go to the Secretary of State instead under the rarely used provisions of subsection (5) (c), i.e. “where the developer is any such council or local authority”. In essence, I cannot notify myself. It is recognised that this is a rather arcane procedural matter, but it is nevertheless an important one. In effect,

it will mean going though Historic England, and I am currently in discussions with them regarding the way forward.

4.6 **Environmental Health Service Manager (Noise/Nuisance): No Objection:**
Comments dated May 2024.

From a noise and nuisance perspective, I have no objections to this application.

4.7 **Economic development: No objection.**
Comments dated February 2023

The Economic Development Team expresses strong support for the application. This is a flagship project in the Town Investment Plan.

<https://strongerhereford.co.uk/wpcontent/uploads/2021/02/S20098D-Hereford-TIP-Document-NEW-FINAL-1.pdf>

The application is focussed on supporting the regeneration of the city centre and will be a key footfall driver. The project is identified as a priority in the Big Economic Plan and Delivery Plan, supporting the growth of tourism in the county, by creating a distinctive regional attraction. The majority of visitors to the county do not visit the city centre and this project will provide a key attraction to generate city centre visits, extending stays and spend.

The development will also enhance the county's cultural offer, creating a more attractive place to live, work and study. Enabling local people to access their heritage, as well as world class exhibitions

4.8 **Principal Natural Environment Officer (Ecology) (Comments January 2024). No objection.**
Comments dated March 2023

The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission. The HRA process must be undertaken with legal and scientific certainty and with a 'precautionary approach.

Notes in respect of HRA

The proposal is for the renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service

- The proposal is to manage foul water through existing connection to the local DCWW mains sewer system
- At this location the mains sewer network is managed through DCWW's Hereford (Eign) Wastewater Treatment works.
- The Eign WWTW discharges in to the 'lower middle' section of the River Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.

- No additional surface water is likely to be created as the proposed development will not change the existing non-permeable surface area for the site and all surface water will be managed through the existing systems serving the site

- The agreed foul water and surface water management systems can be secured by condition on any planning consent granted.

The relevant stated factors considered relating to foul water are embedded within the project as proposed and assessed and can be assured through relevant conditions on any planning permission granted.

Based on the information and notes above there are no identified effects from the proposed development that trigger the requirement for an additional 'Stage 2' HRA appropriate assessment process. There is no reason to require a formal consultation response from Natural England to the completed HRA process.

Suggested conditions to secure embedded HRA certainty.

Habitat Regulations (River Wye SAC) – Foul Water

All foul water shall discharge to the existing mains sewer connection; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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, SD3, SD4 and LD2.

Other ecology comments

The Bat and Nesting Bird Survey Report by Acer Ecology dated January 2023 is noted. The report indicated that there are numerous potential access points for bats to gain entry into the interior of the building and bats and that adjacent areas were used for commuting and foraging. Overall the building was assessed as having moderate suitability for use by crevice-dwelling and roof-void dwelling bats and negligible suitability for use by direct access species. However, survey found no evidence that the building was being used by bats. Furthermore, due its construction of the building and thermal instability the building in considered unlikely to provide overwintering (i.e. hibernation) roosts for bats. Consequently, the report concluded that the development would have no negative direct or indirect impacts on bats.

Similarly, no evidence of past or current nesting by birds was observed it was concluded that the development would have no negative direct or indirect impacts on nesting birds.

Based on supplied and available information there are no specific likely effects on protected species identified as part of the proposed development. There is recorded bat roosting in the wider Hereford City Centre locality. The applicant should be aware that if the existing building is subject to any opportunistic bat roosting this is protected whether bats are present or not under the Wildlife & Countryside Act that sits above any planning requirements. In this specific case the LPA has no reason to request any additional information as part of the planning process but a relevant advisory note is requested.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species (roosts whether bats are present or not), Badgers, 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.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

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 of a minimum total of TWO ‘permanent’ Bat roosting boxes (or similar roosting features) and TWO bird nesting boxes (mixed types), 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.

4.9 Team Leader Area Engineer: No objection

Comments dated April 2023

The local highway authority has no objection to the proposals. It is noted that the building is currently used as the museum and library therefore the use won’t materially change or intensify, however, if there is scope to include an internal store for staff cycle storage then it would encourage staff to travel by sustainable modes.

5. Representations

5.1 Hereford City Council: No comments received

5.2 Hereford Civic Society: July 2024: No comments received on revisions as of July 2024:

5.3 Hereford Civic Society: November 2023: Objection

Summary of comments:

- Is there sufficient space in Shire Hall to locate the art Gallery there. Thus providing more museum space in Broad Street Museum building?
- Pleased that the current design incorporates a number of suggestions made
- Support intention to preserve much of the original building. In particular the front faced on Broad Street, the retention of the Broad Street facing dormer windows and the removal of the ground floor window display cases.

Exterior:

- Concerned the building does not have a street presence.
- Question the removal of the modern iron railings

Entrance Foyer/Lobby

- Entrance foyer/lobby is cramped. What is the area to be used for? Casual retail/exhibition area.
- Signage will require careful consideration
- Visitor flow
- Storage for visitor possession
- Removal of the roller shutter is welcomed
- Lack of natural light. By fold glasses suggest made of clear glass
- Counter in the retail area occupies more than 25% of the space devoted to retail

Height of Building

- Increase effect on Hereford skyline. Do not impact on views

5.4 Publicity

The proposal due to it affecting a listed building and being located in a conservation area has been advertised in the local press (Hereford Times). As well as numerous site notice displayed around the application site over 3 consultations. In addition, statutory consultees have been consulted.

- 5.5 In response to the public consultation a total of 12 comments were received on the application throughout the process, detailing the following points

One letter of objection: Summary of comments

- Welcome the overall project intention and appreciate the huge amount of excellent work put in by the Architects and consultants. It is good to see that the recently revised submission satisfactorily addresses many of the issues previously raised.
- Previously raised specific objection to the proposal to remove the four well made wrought iron art deco dado height screens from the front of the building. These date to c.1900 or perhaps a shade earlier and while not original make an important contribution to the character and appearance of the building. Integral with the left hand screen is a gate relict of the side entrance to the building which would seem to have been stopped up in the late Victorian period. It is a significant piece of evidence for the development of the building.
- No case has been put forward for removal of these screens (drawing 1 0265 ART XX OO DR A 1 6000) beyond a vague claim that their removal would make the building more open and welcoming and closer to the originally intended colonnade type arrangement. This is very much a point of view starting, as it does, with the notion that their contribution is negative because they were not there in 1 874, a point of view which contrasts with our evaluation of the slightly later extension and alterations at the back of the building. It is not the intention to restore the originally intended open colonnade arrangement or the early modification to allow for small shops either side of the entrance, so the argument that removal of the screens is justified in the name of restoration is fallacious. The screens provide some protection to the display windows and to a hydrant point while not obscuring them.
- They should therefore remain for these reasons and for the reason that their removal is considered to be a Policy LD4 conflict.

10 letters of support

- A modernised museum in the centre of the city, with expanded facilities for the community, is a wonderful plan. County has rich history, attract visitors from further afield.
- Museum has been hidden away, roof space is inspired as it will be a wonderful draw for tourists (and local residents) that will encourage both to physically walk through the museum to gain access to this space. Amazing way for people to view wonderful city Hereford from high up. Will become one of the must see attractions for any visitor.
- Exciting development which will foster long-term interest and knowledge of our local history. With pressure on curriculum time in secondary schools access to a resource such as that proposed will enable people to explore and gain understanding of their culture and will further enhance the tourism offer of the city.
- Considerable future benefit to the City and the ideal use for such a fine building.
- Massive improvement to the current museum and art gallery on Broad St. Good quality artworks are unable to be displayed plus how the building is in need of urgent repair and modernisation. It will make a massive difference to Hereford City Centre and visitors' appreciation of our small city.

- Great development for the city of Hereford and the wider county. The old building in Broad Street can blossom as a museum and gallery hub in the heart of the city. The city centre use is changing; retail is struggling so this is a positive move to occupy prime sites with renewed purpose.
- The 'completed works' will enhance and improve "visitor/customer" satisfaction, as well as improving the facilities and display space for the museum. As a frequent visitor, I feel it will certainly improve my visits, as well as making me want to visit more often.
- Support the plans. Hereford deserves and needs this unique prime location building to bring visitors, commerce employment, education and community cohesion to our city. We want a venue to be proud.
- Woolhope Naturalists' Field Club: register full support for the detailed plans that are displayed here. We have been fully consulted at each stage of this project and feel our place in the new institution has been fully considered and even our most arcane desires have been taken seriously. We are certainly getting an enhanced club Room/Library, which will be a major asset in developing the Club's role in the wider community. Indeed, we feel we have been given a new part to play in the cultural development of Herefordshire, which we could not have envisaged a few months ago. We are confident that we can play a significant role in putting the Museum and will create a wonderful new cultural heritage facility for Hereford and enable the long overdue building maintenance to proceed.
- Art Gallery on the cultural map of England. The project will unlock the latent resources of The Woolhope Club, which have hitherto accumulated in our Transactions (and elsewhere) since our foundation in 1851. At that date we ran the Museum, now we are prepared to be an active partner, sharing our extensive experience and resources with the new institution for the benefit of the people of Herefordshire and beyond
- Hereford Museum service Support Group. Provide an educated facility for Herefordshire Museum services including public galleries for the display of the extensive county Museum and art collections as well and dedicated spaces for educational and engagement activities, a café, shop and staff facilities. It will protect key heritage aspects of the site (including the Woolhope Room and façade). Create a welcoming functional modern space
 - Safeguard the future heritage asset for community use.
 - Currently no disabled access
 - Local communities are being denied opportunities to access their Heritage
 - Museums are widely recognised as a key part of vibrant visitor economy with the potential to attract national and international visitors. Support the roof top café, shop and viewing beacon, temporary display and educational spaces.

Consultation responses can be viewed in full via the Councils Website using the link above.

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." In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (Core Strategy).
- 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 was updated in November

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

2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications.

6.3 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

“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.”

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

6.4 The National Planning Policy Framework (NPPF) is also a significant material consideration. The Hereford Area Plan (HAP) was intended to set out detailed proposals to ensure the delivery of the targets for the City in the adopted Core Strategy. However, following the decision to update the Core Strategy, a decision was taken to stop work on the HAP.

Hereford Core Strategy

6.5 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.

6.6 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

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.

- 6.8 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
 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.
- 6.9 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
- 6.10 Core Strategy Policy LD2 Biodiversity and geodiversity. Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire.
- 6.11 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.

6.12 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

6.13 Core Strategy policy LD4 – *Historic environment and heritage assets* sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible

2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas

National Planning Policy Framework: December 2023

6.14 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 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

6.15 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;

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

- 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

- 6.16 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 195– 214.
- 6.17 Paragraph 205 advises that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.18 Paragraph 209 states; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.19 NPPF paragraph 191 states Planning Policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.20 The general principle of enhancing the use and accessibility of the Museum, with a view to making it an attractive destination as part of the 'Stronger Hereford: Town Investment Plan', is afforded support at a strategic level, under Policy HD2 of the Core Strategy. This promotes a wide range of opportunities to enhance Hereford's role and whilst this does not refer specifically to the Museum offers support to proposals that will provide new and improve existing attractions that protect, conserve and enhance heritage assets.
- 6.21 In addition, Policy SC1 of the Core Strategy addresses proposals that are looking to retain and enhance existing social and community facilities. Proposals involving the expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing), all of which are incorporated within these proposals. In addition the policy includes enhancement to existing education and training facilities and the facility includes greater opportunity for education related to the county's history and the art gallery will have ongoing connections with the Art College, schools and higher education establishments. Upon review, no tension is apparent with this policy, and opportunities have been taken to promote accessibility on foot, cycle and public transport and it is apparent the building as has floors which are completely out of use including the Woolhope Room. This proposal included a new passenger lift and a new staircase to ensure disabled access to all floors. The proposal will also include accessible toilet and baby change facilities.

Heritage assets (including below ground), design and visual amenity

- 6.22 As detailed within the Historic Building officer's comments the proposal has to be assessed against Section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the protection of listed buildings and their setting, as well as Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local

Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SS6, LD1 and LD4.

- 6.23 The application site is located within the Hereford Central Conservation Area and the application building is Grade II listed. Due to the complexity of the proposal and listed status of the building your officers have been working with the applicant on the proposal prior to its submission under a detailed pre application and then during the application process. Comments have been received on the previously submitted drawings. To address concerns raised a full suite of updated plans were submitted. A substantive number of drawings and supporting documents have been submitted as detailed in para 1.3 and appendix 4.
- 6.24 The latest revisions show the relocation of the viewing beacon to a less visible location when viewed from key viewpoints, and show amendments to the external appearance of the new build element, which are now considered as an improved design change in terms of the prominence of the building and its impact on King Street, and when viewed from wider distances.
- 6.25 The proposed works also include a degree of insulation that is not readily acceptable in listed building as a result of the visual impact the insulation would have on the architectural features of the interior. However it is duly acknowledged that the building works are to facilitate a public building for public use, and maintain the museum artefacts in appropriate climatic conditions and as such different considerations as highlighted within the historic building officer comments would apply in this instance in respect of the works to the historic fabric, which are to improve the museum exhibitions and artefacts in appropriate climatic and light controlled conditions. The insulation utilised is a bespoke solution to maintaining this building for the use it was originally constructed, and should not be considered as a precedent in other cases where different considerations would apply.
- 6.26 The proposed works to the building as can be seen from the submitted drawings and illustrations are considered by your officers to be quite substantive and involve the removal of some historic fabric; the roof over the later additions, the glass ceiling in the rear upper floor museum, the private stairs to the librarian quarters, and the opening of some walls. Some features will not be removed but will be obscured by insulation, such as the skirting's boards, and library windows. Within the comments provided by the historic buildings officer these works would be 'considered as less than substantial harm to the listed building when considered individually and cumulatively'. As per the NPPF this triggers the balancing exercise in paragraph 208 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm. In weighing up the public benefit of the proposal consideration should be given to the benefits to the listed building in terms of; the removal of modern features such as suspended ceilings in the stairwell, re-instatement of blocked up windows on the northern elevation and the western elevation facing Aubrey Street, the wider use of the building for its original intended use, and any public benefits accruing from the development.
- 6.27 Finally it noted that the Historic Buildings officer within their latest comments have confirmed that they have not raised a built heritage objection in respect to the listed building and conservation area. Whilst a substantive amount of investigative works and plans have occurred, there is still a recommendation for the insertion of a few conditions be considered in respect of the listed building which have been included at the end of this report.

Impact on setting of conservation area

- 6.28 The site is prominently positioned within the Herefordshire Conservation Area which is a designated heritage asset. Paragraph 205 of the NPPF states that when considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Continuing in paragraph 212, Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 6.29 Policy LD4 of the core strategy relates to development within or affecting the setting of conservation areas, stating that developments that are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area will be supported. In terms of the proposed development, the new building is of traditional design, with styling cues taken from the dwellings within the conservation area. In addition, the quality of materials is important, to further reference the conservation area and other surrounding development and to assist in mitigating and justifying the scale and impact of the proposed development. Yours offices have worked with the applicant to amend the proposal and significant changes have evolved in the proposed materials and detailed design which can be seen within figures 3-7. As such, the proposed development, will preserve the character and appearance of the Broad Street and the immediate area and as such the Hereford conservation area.

Roofscape

- 6.30 As noted above Paragraph 212 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of other heritage assets, to enhance or better reveal their significance. This proposal seek to both enhance and better the experience of the asset it is housed within. Through the introduction of the roof terrace and viewing area there will be an enhancement of the experience of conservation area and provide views towards Hereford Cathedral as well as the historic roofscape and providing an opportunity through interpretation works to explore the history of the city from those same vantage points.
- 6.31 The Hereford Museum and Art Gallery has a street frontage onto Broad Street and Aubrey Street to the rear. Broad Street consists of 4 and 5 storey buildings with 5 storey backs facing onto Aubrey Street. It is noted that the within the design process storey height and massing was a consideration. The application has been supported by both a heritage statement and a visual impact assessment which have helped to inform the design process. The roof level changes to the building have been carefully considered in response to their form, quality, materiality and design as set out in the design section of the Design and Access Statement so to contribute to the city skyline and also provide a clear identification of the potential experience within the building when viewed from elsewhere. As detailed within the submission the beacon has been relocated to be accessed from lower terrace, café and education space. The proposal now has an increased roof terrace due to relocating of the beacon.
- 6.32 Officers are aware that any design of the development, in particular its roofscape, can be sensitive as well as ramifications due to its prominence when seen from key areas. The historic roofscape of Hereford in this area makes a significant contribution to the city's special qualities and its character particularly when viewed from the hills around the city. The current proposals therefore represent a markedly different approach and given the visibility of the site significant concerns were originally raised on the setting of listed buildings and on the Conservation Area. As such the design was considerably altered and the size of the roof beacon reduced and repositioned. As such the proposals show a sympathetic skyline addition that would detract not from the existing built roof and existing roofscape.

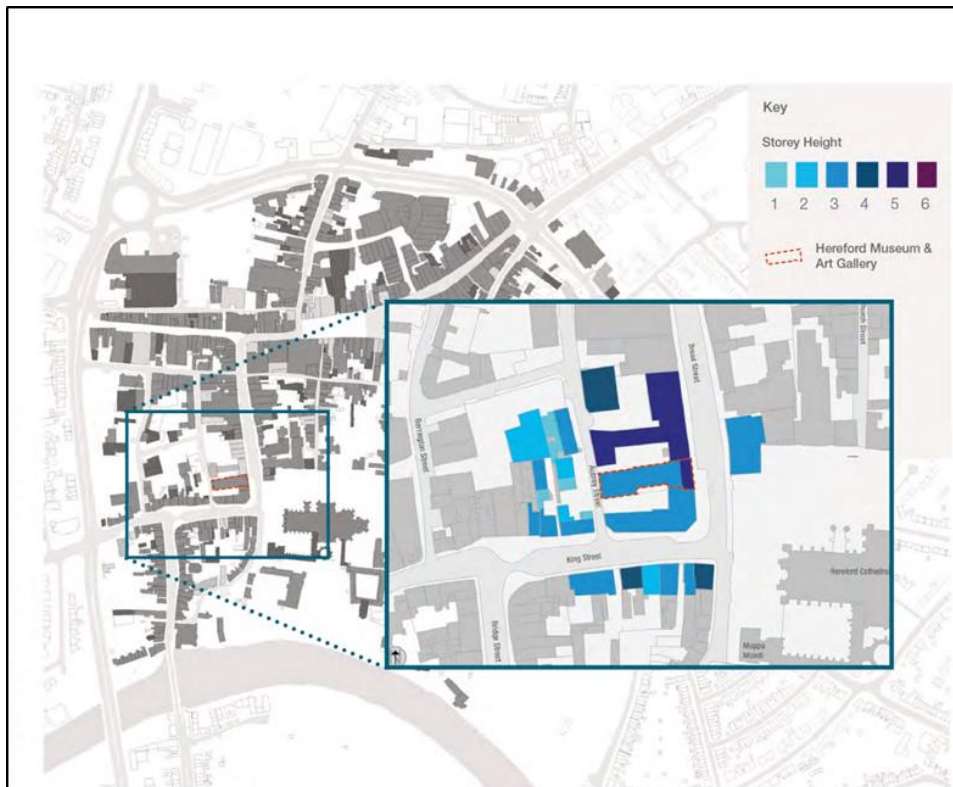


Figure 8: Storey height in the surrounding area

6.33 The most recent amendments have addressed earlier concerns and issues raised in regards to the location of the viewing beacon which is now in a less visible location when viewed from key viewpoints, and is considered to be an improved design change.

Design Matters

6.34 Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helps to make development acceptable to communities (para. 131). Continuing, paragraph 135 of the NPPF sets out six design expectations for proposed developments and include;

- a) it will function well and add to the overall quality of the area;
- b) visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- d) establish or maintain a strong sense of place;
- e) accommodate and sustain an appropriate amount and mix of development; and
- f) create places that are safe, inclusive and accessible, which promote health and well-being, with a high standard of amenity for existing and future users.

6.35 As highlighted above the scheme has evolved since its original submission and notably this included the relocation of the viewing beacon to a less visible location and as such has a reduced visual impact when viewed from key viewpoints and changes to the external appearance of the new build element. This can be seen in the illustrative drawings within Section 2 of the report. Officers consider that this is an improved design change in relation to the prominence of the building as well as its impact on King Street, and when viewed from wider distances. The key changes can be seen within figure 3-7 and listed within paras 2.1 but the dormer designs have been simplified and reduced in number/rationalized. Proposed materials have been altered.

- 6.36 As detailed above, the proposed additions has been sensitively designed, taking cues and architectural detailing including window design, from the host building and the surrounding built development within the Conservation Area. Also the proportions of the new additions to façades have been influenced by the design of the existing building but chose to juxtapose the modern additions as clear from the existing.
- 6.37 Further, to assist in mitigating the scale and impact of the new building, the quality of materials is deemed to be of importance to enhance and echo the references to the architectural details of surrounding built development within the streetscape and roofscape. Extensive discussions have been undertaken with the applicant in respect to detailing of the proposed extension and upper external floors areas, as officers sought acceptability on the design approach of the building. It is agreed that the details of the balconies (railings/balustrade) can be negotiated through conditions so that the applicant can explore options further. The detailed materials, including bricks, windows and tiles to be used in the construction of the development can be agreed with suitably worded planning conditions to ensure that the whole design concept can be developed. Representations have been made from the Council's Historic Building officer who have been actively involved in discussions throughout and have not raised an objection. As noted in Historic England comments the application has benefited from extensive pre-application discussions and consultation at application stage which has led to the presentation of a proposal which has successfully addressed concerns raised. The revised proposal of the principle of the roof extension and the general massing and design approach is acceptable.
- 6.38 Overall, given the location of the site within the conservation area and a listed building the development is sensitively designed, and quality of the proposed development will be appropriate. Subject to certain aspects being developed through planning condition, the overall development will be visually attractive and sympathetic to local character complying with para. 135 of the NPPF.

Archaeology

- 6.39 The application site is located within the historic core of the city, and in particular, on a feature known as the King's Ditch. The King's Ditch is a natural stream valley running north-south that retains important archaeological information on the development of settlement. The site is also located within an 'Area of Archaeological Importance' and following pre-application discussion and initial consultation response from the archaeological adviser, the applicants have provided extensive archaeological documentation to explain and justify the changes contemplated.
- 6.40 The submitted documentation relating to geotechnical evaluation and foundation design has been submitted and has now been supplied in full, and that this documentation is acceptable. The documentation is of good quality and adequate for the purposes of paragraph 200 of the NPPF, concerning the requirement to supply a level of detail sufficient to understand the potential impact of the proposal upon significance. The archaeological advisor has now reviewed and has confirmed they have no objection subjected to suitably worded planning conditions. The overall purpose of the conditions added at the end of this report is to ensure that ground disturbance is kept to a minimum within the current design parameters, and to secure a suitable high level archaeological mitigation project prior to/during any construction works. Your Officer is satisfied, taking on board the specialist consultee responses, that conditions can be imposed to require suitable high level archaeological intervention, in accordance with both national and local policy including paragraph 205 of the NPPF.

Other heritage related matters

- 6.41 The Civic Society have not made representation on the latest round of consultation and officers are aware that the agent has met with them prior to the submission of the revised updated proposal and have addressed a number of their concerns. In regards to representation, notwithstanding the letters of support received for the proposal, officers are in receipt of one letter of objection which was submitted during the last round of consultation. This has been detailed

under para 5.5. The objection is in regards to the loss of the wrought iron screens. Neither Historic England nor the Council's historic buildings officer have objected to the removal and officers are satisfied that the railings are not an original feature. Also it is considered when looking at the proposal overall the project would benefit in terms of the approachability of the building and re-instating the originally intended colonnade aesthetic.

6.42 **Conclusion on heritage matters**

Given the prominence of the site, the scale of the development and its visibility and works internally to the listed building are quite substantive and do involve the removal of some historic fabric. These works have been considered to be less than substantial harm to the listed building when considered individually and cumulatively. It is noted that officers are in receipt of a no objection from both Historic England and the Council's Historic Building officer however as the works as considered to be *less than substantial* this triggers the balancing exercise as per paragraph 208 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm. The balancing exercise can be seen in para 6.57 to 6.69. No conflict with policy LD4 is therefore detected as result of what is proposed, and the proposal accords with Section 16 of the 1990 Act.

Other planning considerations

HRA assessment

6.43 The site lies within the catchment of the River Wye SAC and a Habitat Regulations Assessment process is triggered by this application. The appropriate assessment completed by the LPA should be subject to consultation with Natural England prior to any final grant of planning permission. The HRA process must be undertaken with legal and scientific certainty and with a 'precautionary approach. As detailed within the submission the application confirms that

- The proposal is to manage foul water through existing connection to the local DCWW mains sewer system
- At this location the mains sewer network is managed through DCWW's Hereford (Eign) Wastewater Treatment works.
- The Eign WwTW discharges in to the 'lower middle' section of the River Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- No additional surface water is likely to be created as the proposed development will not change the existing non-permeable surface area for the site and all surface water will be managed through the existing systems serving the site
- The agreed foul water and surface water management systems can be secured by condition on any planning consent granted.

6.44 The relevant stated factors considered relating to foul water are embedded within the project as proposed and assessed and can be assured through relevant conditions on any planning permission granted. Based on the information and notes above there are no identified effects from the proposed development that trigger the requirement for an additional 'Stage 2' HRA appropriate assessment process. There is no reason to require a formal consultation response from Natural England to the completed HRA process and ecology officers have recommended conditions to secure embedded HRA certainty which have been included at the end of this report.

Ecology and Biodiversity

- 6.45 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.
- 6.46 The application is supported by a bat and nesting bird survey report by Acer Ecology (dated January 2023). This report and the application has been reviewed by the Councils' ecology officers. The report concluded that the development would have no negative direct or indirect impacts on bat and it was also stated that the development would have no negative direct or indirect impacts on nesting birds. Ecologists have confirmed in their comments that based on the supplied and available information there are no specific likely effects on protected species identified as part of the proposed development but have recommended the inclusion of an advisory note in regards to Wildlife Protection which has been included at the end of this report. To confirm Ecology colleagues have raised no objection to 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. The proposal, subject to conditions is therefore considered acceptable, according with policy LD2 and SS6 of the Core Strategy.
- 6.47 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%.

Flooding and Drainage

- 6.48 The site is located in low risk Flood Zone 1 and is less than than 1 hectare and as such no flood risk assessment is required. Welsh Water have been consulted and have advised following the submission of the proposed drainage layout drawing have confirmed in their comments there is capacity within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. When looking at surface water, as the proposal is for the regeneration of an existing building with site constraints which would not allow for any sustainable options for the disposal of surface water, they have confirmed acceptance to continue accepting surface water into the combined public sewer as per existing. 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 condition.

Residential Amenity/ impact on Living Conditions

- 6.49 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 located to the rear however there are no concerns in regards to overlooking or privacy. 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.
- 6.50 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.

- 6.51 Development on the site has the potential to impact on existing residents, the Council's Environmental Health (Noise) Team have assessed the application and have confirmed no objection to this application.
- 6.52 To conclude, proposed conditions have been included to control the hours of working during the construction period. With regard to residential amenity, it is considered that the proposal would have no significant bearing on the use of nearby properties including both residential and business uses and a condition will be added restricting operational hours. 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.

Other matters

- 6.53 Turning to highway safety, the site is located on Broad Street and currently has no off road parking and as such the access strategy will be focussed on active travel options for users of the site. The location of the site is such that this acceptable in principle given the lawful existing use of the building as a museum and library and the use won't materially change or intensify. No objections were raised by the Local Highway Authority subject to a request for an internal store which will be secured by a planning condition as detailed at the end of this report. Therefore officers are satisfied for the reasons outlined above the proposal accords with Policy MT1 of the Herefordshire Core strategy and the NPPF.

Advertisements/external lighting

- 6.54 Signage and external lighting related to the proposal and within the site is not a matter to be considered under these applications.

S106/Planning obligations

- 6.55 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."
- 6.56 There is no requirement for the Local Planning Authority to secure planning obligations for this proposal.

Change/renewable/Sustainable energy

- 6.57 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.
- 6.58 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.

- 6.59 Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."
- 6.60 The application site is located within a sustainable location with access to a range of amenities, and transport services. As part of the submission the application is supported by a design and access statement (chapter 6) which seeks to demonstrate how the development would achieve both a sustainable design and construction. It is clear that retaining the museum and art gallery in a city centre location instead of to out-of-town location retains the most sustainable location for the facility, providing the best location to reduce the need to travel by car and have the most opportunities to travel via public transport from a local or regional location as well have having the best access to the city centre's network of cycle paths. The proposal also includes the decarbonisation of the buildings energy system as part of the '*Passivhaus EnerPHit* informed approach'. The proposal also includes on site energy production with photovoltaics. As detailed within the supporting documentation The *EnerPHit* approach is based on passive solar design principles to optimise the building fabric and thermal performance in combination with solar gain. It is evident that the proposed floor plan arrangements will ensure rooms can continue to be naturally purge ventilated throughout, with the main public spaces benefitting from mechanical extract and heat recovery ventilation where required. This is in line with the aims of policy SS7.

Conclusion and Planning Balance

- 6.61 In considering this application, careful regard has been had to the statutory duties of the Council in respect of conserving listed buildings and their settings, maintaining the character and appearance of the Conservation Area. Extensive dialogue and revisions have happened over the application determination process, so officers are now in receipt of a no objection albeit these are contained within detailed comments by the Council's Historic Building Officer and these were fundamental in arriving at a recommendation for approval. Officers are also in receipt of a no objection from Historic England.
- 6.62 Officers have taken a holistic view of the social, economic and environmental aspects of the proposal. This is in accordance with the advice found at paragraph 208 of the NPPF, insofar as where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.63 This triggers the balancing exercise in paragraph 208 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm.
- 6.64 The NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF. Those objectives are defined in paragraph 8 of the NPPF as follows:- (a) Economic - to help build a strong, responsive and competitive economy (b) Social - to support, vibrant and healthy communities (c) Environmental - to contribute to protecting and enhancing the natural, built and historic environment.

- 6.65 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.
- 6.66 In support of the Officer recommendation, the benefits alluded to in local representations are reinforced. In weighing up the public benefit of the proposal consideration should be given to the benefits to the listed building in terms of; the removal of modern features such as suspended ceilings in the stairwell, re-instatement of blocked up windows on the northern elevation and the western elevation facing Aubrey Street, the wider use of the building for its original intended use, and any public benefits accruing from the development.
- 6.67 The public benefits of the proposed development are considered to be:
- Increase in cultural community offering and its long term viability for local community would be enhanced
 - Further enjoyment of the museum and art gallery by visitors, education users and the local community
 - The generation of employment during the construction phase of the proposed development.
 - A more energy efficient scheme
 - The works would provide an economic boost to the area
 - A more socially inclusive and welcoming state than it is currently found due to be opened up and improving circulation
 - The proposal would create short term economic benefits during the construction period.
- 6.68 Officers have carefully weighed the public benefits of the proposed development against the less than substantial harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage asset, it is considered that the public benefits of the scheme significantly and clearly outweigh the less than substantial harm identified on all affected heritage assets.
- 6.69 Para. 134 of the NPPF states that significant weight should be given to development which reflects local design policies and government guidance on design, and/or outstanding or innovative designs which promote high levels of sustainability so long as they fit in with the overall form and layout of their surroundings. The application site is located within the city centre. The design of the extensions proposed are of a modern design and interpretation in the historic centre of Hereford city whilst avoiding pastiche. The architectural approach and choice of materials within the immediate area introduces variety while complementing the streetscape and roofscape. Overall, the architectural treatment of the buildings and the materials palette are considered acceptable with details of the materials being subject to separate submission and approval by the Council. Overall, it is considered that the proposals are in accordance with the relevant policies of the Core Strategy.
- 6.70 The NPPF and the Policy SD1 set out a presumption in favour of sustainable development and it is considered that the proposals will deliver a development that improves the economic, social and environmental conditions in the area and of the wider city.
- 6.71 It is also stressed that the scheme has been found to be acceptable by all other statutory/technical consultees, notably Historic England, Local Highway Authority and the Council's Archaeology Advisor and Ecologist. From a built heritage perspective, whilst observing the less than substantial harm cited, the amended scheme although the roof form and terrace, and to some extent the external materials, may well divide opinion, your Officer takes the view that this contemporarily designed structure will acceptably harmonise with the building, whilst introducing an important multi-functional museum and art gallery space.

6.72 In light of the foregoing, notwithstanding the great weight to be given to the identified 'less than substantial' harm to heritage assets, the proposal accords with the development plan read as a whole, which is not outweighed by any other material considerations. It is therefore recommended that planning permission and listed building consent be granted subject to the below conditions.

RECOMMENDATION

a) 230385/F – That planning permission be granted subject to the following conditions and any other conditions (amendments) 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. Approved Drawings – Development in accordance with the approved plan: See Appendix 4**
- 3. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system having regard to policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

- 4. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and 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.

- 5. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.**

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 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.

6. 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 of a minimum total of TWO 'permanent' Bat roosting boxes (or similar roosting features) and TWO bird nesting boxes (mixed types), should be supplied to and acknowledged by the Local Planning Authority; and shall be maintained hereafter as approved.

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.

7. All foul water shall discharge to the existing mains sewer connection; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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, SD3, SD4 and LD2.

8. The multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.

Reason: To safeguard the amenities of the locality and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

9. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to first use of the building by museum staff, details of an internal store for staff cycle storage within the building shall be submitted to the Local Planning Authority for their written approval. This store 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 encourage 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

INFORMATIVES:

1. IP2 – Approval following revisions
2. I01 – AAI notification
3. The ownership of the land subject of this application is vested in the Council and the consent of the Council as landowner is required before the development is commenced.

4. Interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land.
5. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. Your responsibilities and obligations
6. Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.
7. 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 (roosts whether bats are present or not), Badgers, 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.
8. 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

b) 230386/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Works in accordance with the approved plans: See Appendix 4

3. Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall be submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the Local Planning Authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works 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. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no demolition works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:

- Strengthening any wall or vertical surface;
- Support for roof timbers on the Broad Street elevation
- Provision of protection for the building against the weather;

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

5. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works of demolition or alteration by way of substantial partial demolition shall begin until evidence has been submitted to and approved in writing by the Local Planning Authority that a binding contract for the full implementation of the comprehensive scheme of development has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.

Reason: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the area 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. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal, no further development shall take place until details or samples of materials to be used externally on walls and roofs including the balustrade 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.

7. Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A sample of the bricks and brickbond to be used in block up the existing rear pedestrian door.
- the face bond of brickwork;
- description of the joints proposed;
- mortar mix, profile and finish.

The works 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

8. No pointing or repointing of existing [brickwork] [stonework] shall commence until a drawing identifying the affected areas, details of the method of removing the existing mortar and details/samples of the new mortar mix and joint finish have been submitted to/inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

9. Under no circumstances whatsoever are powered tools (for example, air-driven tools; electric angle grinders and so forth) to be used to cut back masonry joints prior to repointing.

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

10. Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ as per the;
- Masonry Survey by Stoneworks Building Surveyors 08/04/2024
 - Masonry repair Report HMAG-BML-XX-XX-RP-S-0010

Reason: In the interests of conserving the character of the building 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.

11. Full details of ‘making good’ exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

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

12. Post creation of opening and introduction of steelwork, but before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the architectural details around the pad stones supporting the steelwork creating the 2 entrance doors to the front foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03

The works 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

13. Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Repairs to the balcony on Broad Street
- Details of any venting to the Woolhope Room
- Details of any window seals, location and type to W021, W0202, and W0203

The works 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 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

14. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

The new suspended ceilings in foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03

- The new ceiling to third floor rear exhibition room identified on drawings; 10625 – Art-XX-00-A-16129 Rev P01, 10625 – Art-XX-00-A-16123 Rev P01, 10625 – Art-XX-00-A-16126 Rev P01 and 10625 – Art-XX-00-A-16127 Rev P0
- Replacement skirting boards

The works 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 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

15. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details

- Details of the method, procedure and application of paint removal from the stone mullioned windows W0017, W0018, and W0019
- The colour of any paint on the rendered plinth on the southern elevation below windows W0017, W0018, and W0019
- Any repairs to the tracery windows, WT09/W0205, WT10/W0012,

The works 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 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

16. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Between rafter roof insulation on the roof pitch fronting Broad Street.

The works 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 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

17. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Any works to the staircase or balustrade to the principal staircase in the entrance hall 00-004 on drawing number 10265-Art-XX-00-DR-A-41110 rev P03

The works 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 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

18. Unless first agreed otherwise by the Local Planning Authority in writing the framework of the solar panels hereby permitted shall have a matt black external finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.

Reason: To preserve the character and appearance 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.

19. No new plumbing, pipes, soil-stacks, flues, vents ductwork new grilles, security alarms, lighting, security or other cameras or other fixtures shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

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

Background Papers

None identified.

List of Appendices:

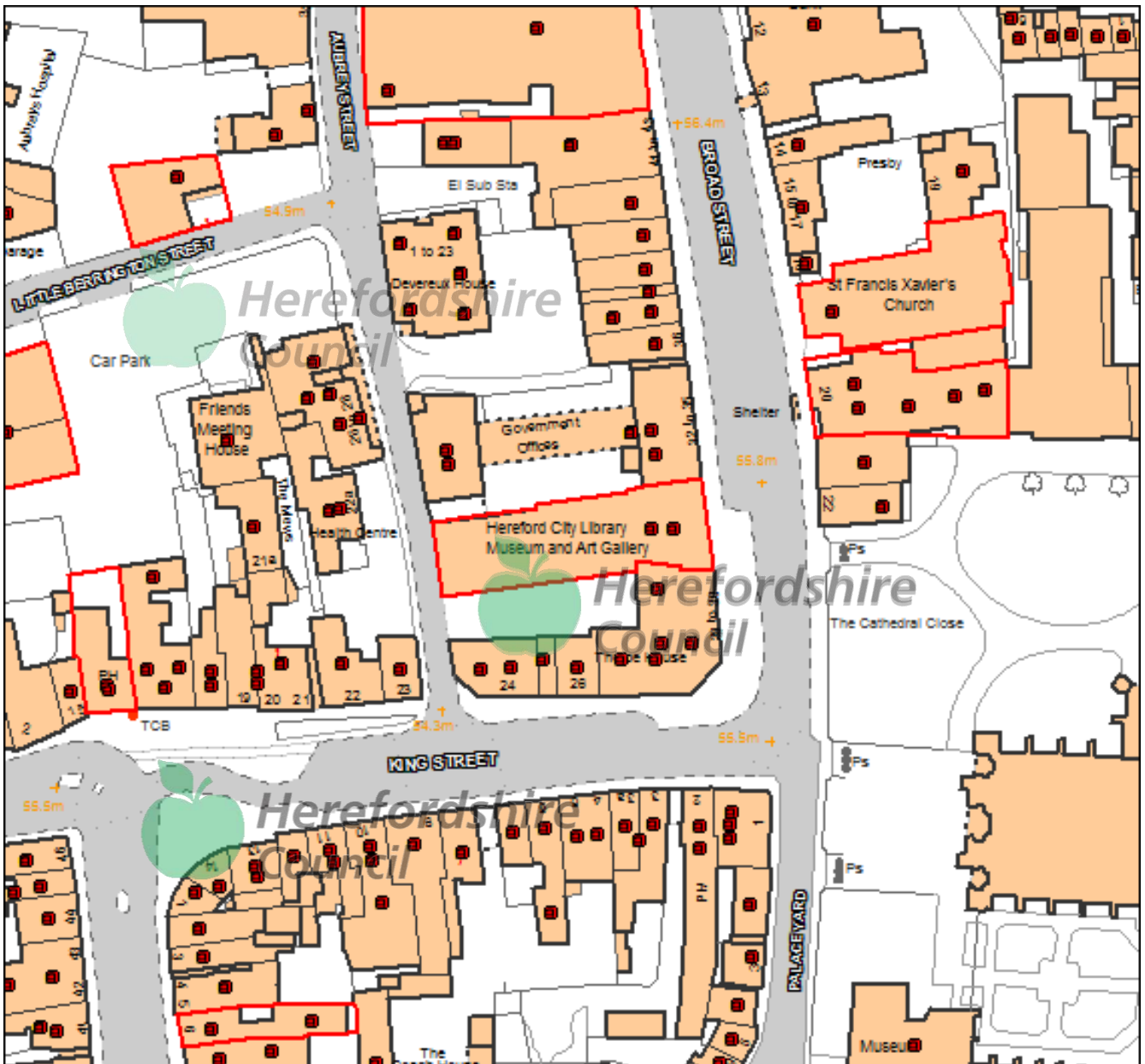
Appendix 1: Historic Building Officer comments: Date June 2024

Appendix 2: Historic Building Officer comments: Date June 2023

Appendix 3 Historic Building Officer comments: Date April 2023

Appendix 4: Full list of approved drawings as per condition 2 (230385/F/ 230386/LBC)

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



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APPLICATION NO: 230385

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230385 (3)

230386 (3)

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

Thank you for consulting me on the amended plans. I would reference my previous comments of 25/04/2023 and 21/07/2023, and would request that these be considered as an appendix to these comments.

Summary

The applications are for the renovation and adaptation of the existing Hereford Museum and Library a listed building to become a dedicated and enhanced facility for Herefordshire Museum. This would comprise a museum, education space, galleries, cafe, and staff facilities. The existing fabric and services are to be upgraded to improve the museum environment and energy efficiency of the building while maintaining, and aiming to enhance, the key historic value.

The building is prominently sited within the Herefordshire Conservation Area and is listed and in proximity to other listed buildings.

The proposal would need to be assessed against Section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the protection of listed buildings and their setting, and in addition Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SS6, LD1 and LD4.

The applications have received comments previously which have resulted in a new suite of plans, which seek to address the previous concerns, and also resolve the need for further information/investigation work via conditions wherever possible.

I acknowledge the level of information provided with the application and the consideration given to addressing the issues, most notably the relocation of the viewing beacon to a less visible location when viewed from key viewpoints, and the external appearance of the new build

element, which would be considered as an improved design change in terms of the prominence of the building and its impact on King Street, and when viewed from wider distances.

The works include a degree of insulation that is not readily acceptable in listed building as a result of the visual impact the insulation would have on the architectural features of the interior. However it is duly acknowledged that the building works are to facilitate a public building for public use, and maintain the museum artefacts in appropriate climatic conditions and as such different considerations would apply in this instance in respect of the works to the historic fabric, which are to improve the museum exhibitions and artefacts in appropriate climatic and light controlled conditions. As such the insulation utilised is a bespoke solution to maintaining this building for the use it was originally constructed, and should not be considered as a precedent in other cases where different considerations would apply.

The works to the building are quite substantive and will involve the removal of some historic fabric; the roof over the later additions, the glass ceiling in the rear upper floor museum, the private stairs to the librarian quarters, and the opening of some walls. Some features will not be removed but will be obscured by insulation, such as the skirting's boards, and library windows. These would be considered as less than substantial harm to the listed building when considered individually and cumulatively. This triggers the balancing exercise in paragraph 208 of NPPF "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." As such a balancing exercise has to be undertaken where the public benefits of the proposal are weighed against the harm. In weighing up the public benefit of the proposal consideration should be given to the benefits to the listed building in terms of; the removal of modern features such as suspended ceilings in the stairwell, re-instatement of blocked up windows on the northern elevation and the western elevation facing Aubrey Street, the wider use of the building for its original intended use, and any public benefits accruing from the development.

Many of the previous drawings have been superseded, and/or additional plans submitted. As such to provide clarity I am not repeating my previous summary table, merely providing a summary of previous comments, but have retained the item number to enable cross referencing between responses. The plans I understand to be superseded have been crossed through.

Whilst the planning considerations and balance will be made by others, in terms of the balancing exercise in respect of the listed building and conservation area only I would not raise a built heritage objection on the latest set of plans, which have evolved in response to previous concerns raised. Whilst a substantive amount of investigative works and plans have occurred, I would still recommend a few conditions be considered in respect of the listed building considered, which are below the summary table.

<i>Item</i>	<i>HBO Comments of 02/05/2023</i>	<i>Additional information received</i>	<i>Agent Status based on Tracker</i>	<i>SUMMARY of HBO comments on additional information 18/07/2023</i>	<i>Further Information/request for amendments</i>	<i>Could be conditioned</i>	Further information May 2024	HBO Comments June 2024	Condition
2									
Basement									

2.1 (a)	Full details of the new steelwork are required before that this detail can be considered	Structural report received	For discussion/ further review						
		HFM-BML-XX-01-DR-S-0102 Rev T03		details of the type of foundations would be required at this stage See also 3.1 (a)	Comments from HCC Planning Archaeologist suggested to assist in the consideration of these works within the AAI		HFM-BML-XX-BO-DR-S-0300 rev T05 HFM-BML-XX-BO-DR-S-0100 rev T06	Comments from HCC Planning Archaeologist suggested to assist in the consideration of these works within the AAI	
		HFM-BML-XX-BO-DR-S-0300 T03		The Pile foundations are noted			HFM-BML-XX-BO-DR-S-0300 rev T05 HFM-BML-XX-BO-DR-S-0100 rev T06	As above	
		HFM-BML-ZZ-DR-S-0170 Rev T03					HFM-BML-XX-BO-DR-S-0300 rev T05 HFM-BML-XX-BO-DR-S-0100 rev T06	As above	
2.1 (b)	Internal wall insulation details of the basement	Agent Comments in Tracker	Request to be conditioned	Further investigation when cellar emptied required		P	HFM-BML-XX-Bo-DR-S-120 Rev T103	Understood no IWI now being proposed, which is welcomed.	Amended plans
2.1 (c)	Clarification in respect of the strong room door	Agent Comments in Tracker	For discussion/ further review	Desire for door to remain in current position	Amended plans welcomed		10265-ART-XX-B1-DR-A-41100 rev P06	Retention of doors in current location noted and welcomed	Amended plans

2.1 (d)	<i>Clarification in respect of the external stone string course</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>Clarification welcomed</i>	<i>if amended elevation details received an annotation on the elevation plan would be desirable</i>	Y	10265-Art-XX-XX-DR-A-43300 rev P02	Revised plans confirming removal of concrete lintel and re-instatement to match adjacent string course welcomed	Amended plans
2.1 (e)	<i>Clarification in respect of the tanking of the cellar.</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>Suggested that investigations continue where possible</i>	<i>Further information required in respect of the tanking.</i>	p	HFM-BML-XX-Bo-DR-S-120 Rev T103	It is noted that the Cellar is now not to be tanked which is welcomed	Amended plans
		<i>Tender Drawing HFM-BML-XX-00-DR-S-0101 rev T03</i>		<i>As above</i>			As above	As above	Amended Plans
		<i>HFM-BML-XX-BO-DR-S-0100 T03</i>		<i>Details of the plates supporting the pavement to be provided</i>			10265-Art-XX-XX-DR-A-4522 Rev P04 10265-ART-XX-XX-DR-A-45500 Rev P02	Omitted from proposal	Amended plans
		<i>HFM-BML-XX-BO-DR-S-0100 T03</i>		<i>Further information required</i>			HFM-BML-XX-BO-DR-S-0100 rev T06	Clarification noted	Amended Plan
		<i>HFM-BML-XX-BO-DR-S-0100 T03</i>		<i>The planning Archaeologist would need to advise on this matter.</i> <i>Details should accompany the LBC and be agreed at least in principle prior</i>			HFM-BML-XX-BO-DR-S-0100 rev T06	Clarification noted	

				to determination.	Comments from HCC Planning Archaeologist suggested to assist in the consideration of these works within the AAI				
2.1 (f)	Confirmation as to the age and interest of the front cellar, and potentially after the removal of some plasterwork	Agent Comments in Tracker	To be conditioned	As with 2.1 (b) and 2.1 (e)		Y	10265 – Art – XX-B1-DR-A-11102 rev P05	Information on plan noted	Amended plans
2.1 (g)	the reuse of the existing bricks to block up the existing rear pedestrian door.	Agent Comments in Tracker	To be conditioned			Y			Y
3. Ground Floor									
3.1 (.a).	Full details of the new steelwork are required before these works can be considered, and with particular reference to the steelwork in the current library and the	Tender Drawing HFM-BML-XX-00-DR-S-0121 Rev T01 Tender Drawing HFM-BML-XX-00-DR-S-	For discussion/ further review	Noting the submitted drawings Tender Drawing HFM-BML-XX-00-DR-S-1121 Rev T01 and Tender Drawing HFM-BML-XX-00-DR-S-0102 Rev T03 , which indicate the location of the	Requested Information not provided Clarification required		Revised D&A, Revised HIS TENDER DRAWING HFM-BML-XX-ZZ-DR-S-0150 Rev T03 TENDER DRAWING HFM-BML-XX-BO-DR-S-0100 Rev T06	It appears from the recently submitted drawings that the steel work will be considerably different to the previous submission, with the new steel work being predominantly within new walls and not within the former library space. If this is the case, the issue of the steelwork within the exhibition spaces and their relationship with the architectural features would appear to have been addressed by the latest plans, and the previously requested information is no longer required.	Amended Plans

	<p>relationship with the existing pilasters</p>	<p>0102-Rev T03</p> <p>HFM-BML-XX-01-DR-S-0102-Rev T03</p> <p>HFM-BML-XX-02-DR-S-0103-Rev T02</p> <p>HFM-BML-XX-03-DR-S-0102-Rev T03</p> <p>HFM-BML-XX-04-DR-S-0105-Rev T03</p>		<p>steels, on the floor plan and on the axiomatic view, however this does not adequately illustrate the relationship with the ornate pilasters that are a feature of the room, as requested. I would refer to paragraph 3.6.3 of my original comments for the rationale behind this request.</p> <p>HFM-BML-XX-01-DR-S-0103-Rev T03 indicates that the steel will be directly adjacent to and within the IWI for the pilasters between the windows, and appears to be suggesting that the pilasters will be tested to see if they can accommodate additional load bearing.</p>		<p>TENDER DRAWING HFM-BML-XX-ZZ-DR-S-0170 Rev T05</p> <p>TENDER DRAWING HFM-BML-XX-ZZ-DR-S-0200 Rev T06</p> <p>TENDER DRAWING HFM-BML-XX-ZZ-DR-S-0201 Rev T05</p> <p>Tender Document HFH-BML-XX-05-DR-S-0107 Rev T05</p> <p>Tender Document HFH-BML-XX-05-DR-S-0106 Rev T03</p> <p>10265 – ART-XX-XX-DR-A-45500 Rev P02</p> <p>10265 – ART-XX-XX-DR-A-45505 Rev P03</p> <p>10265 – ART-XX-XX-DR-A-45510 Rev P03</p> <p>10265 – ART-XX-XX-DR-A-45515 Rev P02</p>	<p>However Tender Document HFH-BML-XX-05-DR-S-0107 Rev T05 and Tender Document HFH-BML-XX-05-DR-S-0106 Rev T03 suggest that there will be columns on the internal walls between the exhibition spaces. Whilst this is preferable to their previous location being on the external walls, the columns are not shown on the floor plans, and for the avoidance of doubt the works proposed to the listed building should be identified in the application and consistently between plans. Clarification and if required amended floor plans only requested.</p>	
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				Clarification required			10265 – ART-XX-XX-DR-A-45520 Rev P02 10265 – ART-XX-XX-DR-A-45520 Rev P02 10265 – ART-XX-XX-DR-A-45200 Rev P04		
3.1 (b)(i)	Relocation of the new wall to express the pilasters or a cross section illustrating how the pilasters are to be incorporated into the wall at a scale not less than 1:10	Agent Comments in Tracker		the request was in respect to the new wall in Exhibition space 02, where a new wall is proposed and appears to come off pilasters.	Additional information not received.		01265-Art-XX-XX-DR-A-45200 rev P04 01265-Art-XX-XX-DR-A-41100 rev P03 01265-Art-XX-XX-DR-A-16115 rev P01 01265-Art-XX-XX-DR-A-16116 rev P01 Revised D&A	The re-siting of the new wall to the west of the pilasters safeguard the staircase is welcomed as it retains the pilasters in their entirety within public museum space	Amended Plans
		Tender Drawing HFM-BML-XX-00-DR-S-0102-Rev T03		cross section of the wall requested			As above	Details now provided omitting the need for a detailed cross section as pilasters not affected	Amended Plans
3.1 (b)(ii)	Relocation of the new wall to express the pilasters or a	Agent Comments in Tracker	For discussion/ further review	The request was made in respect of the pilasters in	Additional details required not supported.		01265-Art-XX-XX-DR-A-45200 rev P04	Details now provided omitting the need for a detailed cross section as pilasters not affected.	Amended Plans

	<p><i>cross section illustrating how the pilasters are to be incorporated into the wall at a scale not less than 1:10</i></p>		<p><i>LBC additional information REF 10265 Section 1.9</i></p>	<p><i>exhibition space 2 and not the corbels in exhibition space</i></p> <p><i>paragraphs 3.5.4 and 3.5.5 of the previous comments requested to either open the tracery window OR relocate the wall slightly to expose the corbel in exhibition space 01 was made. Confirmation on the service ductwork bulkhead and its relationship with architectural detailing requested</i></p>		<p>01265-Art-XX-XX-DR-A-41100 rev P03</p> <p>01265-Art-XX-XX-DR-A-16115 rev P01</p> <p>01265-Art-XX-XX-DR-A-16116 rev P01</p> <p>01265-Art-XX-XX-DR-A-41120 rev P03</p> <p>10265-Art-XX-XX-DR-A-22600 Rev P04</p> <p>10265-ART-XX-XX-DR-A-13320 Rev P03</p> <p>10265-Art-XX-00-DR-A-16104 P01</p> <p>10265-Art-XX-00-DR-A-16105 P01</p> <p>10265-Art-XX-00-DR-A-11122 P03</p> <p>10265-Art-XX-00-DR-A-41120 P03</p>	<p>Addressed in item 3.1n</p>	<p>Amended Plans</p>
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3.1(c)	The Conservation Management Plan identifies that the walls in the foyer are load bearing, however it is proposed to remove 2 large sections of walls, whilst retaining the upper parts of the wall, no details as to how that will be achieved has been submitted.	<p>Agent Comments in Tracker</p> <p>LBC additional information REF 10265 section 1.19</p> <p>Tender Drawing HEM-BML-XX-00-DR-S-0121 Rev 101</p>		<p>Amendments requested</p> <p>Noted however amendments requested</p> <p>I note the bi-fold doors on the plans and for clarity the method of screening has not been agreed</p>		N	<p>HMAG-BML-XX-XX-XX-TN-S-0101 report by Barnsley Marshall</p> <p>10265-Art-XX-00-DR-A-11113 P04</p> <p>10265-Art-XX-00-DR-A-41110 P03</p> <p>10265-Art-XX-00-DR-A-16104 P01</p> <p>10265-Art-XX-00-DR-A-16105 P01</p> <p>10265-Art-XX-00-DR-A-16101 P01</p> <p>10265-Art-XX-00-DR-A-16102 P01</p> <p>10265-Art-XX-00-DR-A-16103 P01</p> <p>10265-Art-XX-XX-DR-A-22600 Rev P04</p>	<p>The details in respect of the steelwork are acknowledged. The proposed doors are fully glazed.</p> <p>The details are considered appropriate retaining a higher degree of original fabric. However some details are yet to be established – i.e the architectural covering of the pad stones, which can be conditioned</p> <p>The additional investigation work to the staircase area is welcomed, the loss of the modern ceiling and the reinstatement of the original space, and the loss of modern servicing trunking, along with the exposure and reinstatement of the tracery window WT09 W0205</p>	<p>Making good walls post demolition partitions</p> <p>Architectural finishes around padstone</p> <p>Balustrade Tracery window repair</p>
3.1 (d)	Clarification of IWI around windows and pilasters in the current library and further	Agent Comments in Tracker	Request to be conditioned	Concern expressed with the IWI proposed and the affect on	Further information required at this stage	N	<p>Revised D&A</p> <p>HMAG Stage 3 EnerPHit Overview</p>	It is noted that the IWI will stop short at the capital of the pilaster and the cornicing above retaining their details on view.	Amended Plans

	<i>consideration of the IWI in this room in respect to the expression of the pilasters.</i>			<i>architectural detailing</i>			10265 – Art-XX-00-DR-A-16115 rev P01 10265 – Art-XX-00-DR-A-16116 rev P01 10265 – Art-XX-XX-DR-A-	In respect of the IWI on the window reveals drawing 10265 – Art-XX-XX-DR-A- and the HMAG Stage 3 EnerPHit Overview, this confirms that there will be no IWI on the window reveals as the windows will have secondary glazing. The secondary glazing as illustrated would obscure the window detail to an unacceptable degree which would be considered as less than substantial harm. This harm has to be balanced against the positive benefits to this room, i.e the loss of the mezzanine level and the building as a whole such as the loss of suspended ceilings and the improved facilities to the Museum	
		HMAG-ART-XX-XX-RP-A-65810 <i>Enerphit Overview S4-P04</i>		<i>Contents noted</i>			Revised D&A HMAG Stage 3 EnerPHit Overview	As above	
3.1 (e)	<i>Further clarification and detailing of the IWI and the relationship with cornicing and window reveals required</i>	<i>Agent Comments in Tracker</i>	<i>Request to be conditioned</i>	<i>The absence of IWI in the window reveals is welcomed, as is the consideration of a thinner IWI such as Aerogel.</i>	<i>Further information required at this stage</i>	<i>N</i>	10265-Art-XX-00-DR-A-41110 Rev P03 10265-Art-XX-00-DR-A-16101 Rev P01	The IWI is to stop at the cornice however ventilation above a suspended ceiling is required in entrance room 1 and 2. However there appears to be a discrepancy between 10265-Art-XX-00-DR-A-16101 Rev P01 and the illustration on page 16 of the HIA in respect of the extent of the suspended ceiling. For the avoidance of doubt it is the plans upon which I am providing comment, and would request a condition in respect of the ceiling details.	Amended Plans Suspended ceiling details Skirting board details
		HMAG-ART-XX-XX-RP-A-65810 <i>Enerphit</i>		<i>Alternative less visually damaging methods of IWI again requested in this location.</i>			10265-Art-XX-00-DR-A-41110 Rev P03	100mm IWI stopping at the cornicing in entrance room 1 and 2 noted	Amended Plans Suspended ceiling details

		<i>Overview S4 P01</i>					10265-Art-XX-00-DR-A-16101 Rev P01		Skirting board details
3.1 (f)	<i>A detailed plan indicated how the IWI will be addressed in the window reveals should be submitted</i>	<i>Agent Comments in Tracker</i>	<i>Request to be conditioned</i>	<i>Alternative less visually damaging methods of IWI again requested in this location.</i>	<i>Further information required at this stage</i>	<i>N</i>	10265-Art-XX-00-DR-A-41110 Rev P03 10265-Art-XX-00-DR-A-16101 Rev P01	No IWI on window reveals on front elevation on amended plans as such the details no longer required	Amended Plans
3.1 (g)	<i>Clarification for the loss of skirting boards and the thickness of the IWI</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>justification for their loss of skirting boards</i>	<i>Further information required at this stage</i>		Revised D&A HMAG Stage 3 EnerPHit Overview 10265-Art-XX-00-DR-A-41110 Rev P03 10265-Art-XX-00-DR-A-16101 Rev P01 10265-Art-XX-00-DR-A-41110 Rev P03 10265-Art-XX-00-DR-A-16101 Rev P01	Clarification received and original skirting's to be retained behind IWI and false skirting's boards within the room	Skirting board

3.1 (h)	Clarification why the existing plaster cannot be retained	Agent Comments in Tracker	For discussion/ further review	The retention of original plaster is welcomed. Clarification is required in respect of the degree of plaster to be lost and the degree of plaster to be retained,	Further information required at this stage		Plaster Survey Report 10625 – ART-XX-XX-XX-A-1640 Masonry Repair Report Revised D&A Revised HIS	The further analysis of the plaster is welcomed, and in some areas the original plaster is being retained behind the IWI. In other areas the plaster has to be removed to facilitate masonry repairs as identified in the Masonry Repair Report.	Amended Plans
		EnerPHit report HMAG-ART-XX-XX-RP-A-65810 P01-S4		However clarification sought as discrepancies between documents, and further information in respect of certain architectural details			Plaster Survey Report HMAG Stage 3 EnerPHit Overview 10625 – ART-XX-XX-XX-A-1640 Masonry Repair Report Revised D&A Revised HIS	Clarification received in latest documents	
		IWI and fabric Strategy summary in the Enerphit report		Apparent discrepancy between documents requiring clarification	Discrepancy between documents requires clarification				Clarification received in latest documents

3.1 (g)	An alternative to the roller shutter Door IDT09 on Internal Door Assemblies XX-DR-A-27601, and consideration of more wall retained.	Agent Comments in Tracker	For discussion/ further review	It was understood that the roller shutters were within the foyer and related to item 3.1 (c) . Alternative arrangements following the details in 3.1 (c) welcomed	Amended plans required		10265-Art-XX-00-DR-A-11113 P04 10265-Art-XX-00-DR-A-41110 P03 10265-Art-XX-00-DR-A-16104 P01 10265-Art-XX-00-DR-A-16105 P01 10265-Art-XX-00-DR-A-16101 P01 10265-Art-XX-00-DR-A-16102 P01 10265-Art-XX-00-DR-A-16103 P01	The loss of the roller shutters and their replacement with glazed doors welcomed as an alternative	Door details
3.1 (j)	Clarification that windows not removed are to be retained in their current condition and not repaired	Request for condition		Clarification required		Y - subject to clarification	10265-Art-XX-XX-DR-A-22601 rev P03	The submitted drawing indicates that only 7 windows are to be removed from site and replaced, the remainder to be repaired in situ. The clarification is welcomed and the windows to be removed are to be replaced so no objection raised.	Amended plans

3.1 (k)	Finoe 12 requested as an alternative to the proposed glazing in current library	Agent Comments in Tracker	Request to be conditioned	request for a more sympathetic approach expressing the stone mullions internally and externally	Request for more sympathetic approach to the windows repeated.	N	Revised D&A HMAG Stage 3 EnerPHit Overview 10265 – Art-XX-00-DR-A-16115 rev P01 10265 – Art-XX-00-DR-A-16116 rev P01 10265 – Art-XX-XX-DR-A-	Comments addressed in 3.1.d	Amended Plans
		EnerPHit report HMAG-ART-XX-XX-RP-A-65810 P01 S4			Concern addressed with the detailing proposed		As above	Concern with this element remains and to be considered against para 208 of NPPF	
3.1 (l)	Clarification as to the outcome of the skirting boards	Agent Comments in Tracker	For discussion/ further review	The loss of historic fabric should be justified, and without justification for their loss a thinner IWI is again requested	Further information required		10265-ART-XX-oo-DR-A-16101 rev P01	The loss of skirting boards is rarely supported. The proposal is to incorporate them into the IWI, which is not ideal as the historic detailing is lost. The exact method of encasing the skirting boards into the IWI is required. It should be noted that this will constitute less than substantial harm to historic fabric	Skirting boards
3.1 (m)	An alternative to Corten Steel requested as the window infill	Agent Comments in Tracker	For discussion/ further review	consideration of alternative materials are welcomed.	Amended materials welcomed.		10265 – ART-XX-XX-DR-A-43300 rev P02	Note that this window can now be glazed which would replicate the previous arrangement – supported	Amended Plans
		LBC additional informatio		As the works are to historic windows a less			10265 – Art – XX-XX-DR-A-45505		

		<i>n REF 10265</i>		<i>modern intervention is considered more appropriate.</i>			10265-Art-XX-XX- DR=A-22600 Rev P04		
3.1 (n)	<i>Consideration given to the restoration of the tracery window in N elevation</i>	<i>Agent Comments in Tracker for 3.1.(b)</i>	<i>For discussion/ further review For discussion/ further review</i>	<i>I would refer to paragraphs 3.5.4 and 3.5.5 of the previous comments where the request to either open the tracery window OR relocate the wall slightly to expose the corbel in exhibition space 01 was made. Comments on window below in response to LBC additional information REF 10265 section 1.9</i>	<i>Additional details required currently not supported.</i>		10265-Art-XX-XX- DR-A-22600 Rev P04	The exposure and restoration of the 2 no currently blocked tracery windows on north elevation supported	Amended Plans Window repair details
						10265-ART-XX-XX- DR-A-13320 Rev P03			
		<i>Agent Comments in Tracker for 3.1.(n)</i>		<i>The service ductwork bulkhead was not indicated on any previous plans, and as such was not given consideration at that time. further information required – with</i>			10625- ART-XX-DR- A-45200 rev P04	Note ventilation areas identified on cross sections. The retention of the corbel in a non public space is not ideal but unavoidable given the position of the window.	Amended Plans Suspended ceiling details
							10265-Art-XX-00- DR-A-16104 P01		
							10265-Art-XX-00- DR-A-16105 P01		
							10265-Art-XX-00- DR-A-11122 P03		
							10265-Art-XX-00- DR-A-41120 P03		
								Note ventilation areas identified on cross sections. The retention of the corbel in a non public space is not ideal but unavoidable given the position of the window.	Amended Plans Suspended ceiling details
								Clarification in respect of the suspended ceiling on Exhibition space 01 required. This can be conditioned to enable further consideration when further investigative works are undertaken	

				consideration as to the exposure of the tracery window and the corbels					
3.1 (o)	Paint details for stone mullions	Agent Comments in Tracker	For discussion/ further review	Restoration of original stone mullions welcomed. Details of the paint removal required or could be conditioned		Y			Paint removal methodology
3.1 (p)	An alternative paint colour to render requested	Agent Comments in Tracker supporting information.	For discussion/ further review	Alternative colour welcomed. The use of a colour within the Hereford Design SPD is welcomed.	However if amended elevation plans being prepared the reference to colour to be conditioned would be suggested as being annotated on the elevation drawings to avoid a condition	Y if not previously confirmed	10265-Art-XX-XX-DR-A-43300 Rev P02 10265-Art-XX-XX-DR-A-43302 Rev P03	The change in paint colour welcomed. The colour could be conditioned if necessary	Amended Plans Colour
3.1 (q)	Clarification to the reference to 6 vision panels in the coal shutles	Agent Comments in Tracker	For discussion/ further review	Clarification welcomed	Suggest that further plans details to omit this reference		10265-Art-XX-XX-DR-A-4522 Rev P04 10265-ART-XX-XX-DR-A-45500 Rev P02	Item omitted from application	Amended Plans
4. Woolhope Room									
4.1.1 (a)	Clarification of new beams joists	Agent Comments in Tracker	For discussion/ further review				10265-Art-XX-00-DR-A-16117 Rev P01 Revised HIS	The amended details and revised HIS, do not reference any works to the beams or joists, as such it is understood that this	Amended Plans

								element of works is omitted from the proposal	
4.1.1(b)	Window seals location and type to be agreed by condition	Agent Comments in Tracker	to be conditioned			Y		No further comment	Y
4.1.1 (c)	Repairs to balcony to be conditioned	Agent Comments in Tracker	to be conditioned			Y	10265-Art-XX-00-DR-A-16117 Rev P01 Masonry Repair Report	No further comment	Y
4.1.1 (d)	Details of venting to be conditioned	Agent Comments in Tracker	to be conditioned			Y		No further comment	Y
5. Third Floor									
5.1. (a)	Clarification and details in respect of the vertical steel supports should be provided before this element can be considered	Agent Comments in Tracker		Steel details noted, and referenced throughout table on relevant sections			Revised Plans as per 3.1a	It appears from the recently submitted drawings that the steel work will be considerably different to the previous submission, with the new steel work being predominantly within new walls. If this is the case, the issue of the steelwork within the exhibition spaces and their relationship with the architectural features would appear to have been addressed by the latest plans, and the previously requested information is no longer required. However Tender Document HFH-BML-XX-05-DR-S-0107 Rev T05 and Tender Document HFH-BML-XX-05-DR-S-0106 Rev T03 suggest that there will be columns on the internal walls between the exhibition spaces. Whilst this is preferable to their previous location being on the external walls, the columns are not shown on the	Amended Plans

								floor plans, and for the avoidance of doubt the works proposed to the listed building should be identified in the application and consistently between plans. Clarification and if required amended floor plans only requested.	
5.1 (b)	Clarification in respect of the discrepancy between documents as to whether the ceiling will be retained or dismantled and re-erected and if the later the methodology should accompany the application in order that this element can be considered.	Agent Comments in Tracker	For discussion/ further review	The plan to retain the ceiling structure is welcomed. However the methodology as to how that will be achieved will need to form part of this application, and the discrepancy between documents addressed. further information as to how the ceiling can be retained with other works proposed would need to be submitted.	Further information required at this stage	N	<p>Tender Document HFH-BML-XX-ZZ-DR-S-0091 Rev T04</p> <p>Tender Document HFH-BML-XX-ZZ-DR-S-0350 Rev T01</p> <p>Tender Document HFH-BML-XX-ZZ-DR-S-0350 Rev T01</p> <p>Tender Document HFH-BML-XX-ZZ-DR-S-0200 Rev T05</p> <p>Tender Document HFH-BML-XX-ZZ-DR-S-0201 Rev T05</p> <p>10625 – Art-XX-00-A-16129 Rev P01</p> <p>10625 – Art-XX-00-A-16123 Rev P01</p> <p>10625 – Art-XX-00-A-16126 Rev P01</p> <p>10625 – Art-XX-00-A-16127 Rev P01</p>	It is noted that drawings; 10625 – Art-XX-00-A-16129 Rev P01, 10625 – Art-XX-00-A-16123 Rev P01, 10625 – Art-XX-00-A-16126 Rev P01 and 10625 – Art-XX-00-A-16127 Rev P01 confirms that the glazed ceiling is to be removed and a new decorative ceiling to be installed. The loss of this heritage feature will cause less than substantial harm to this listed building. This harm has to be balanced against the positive benefits to the building as a whole such as the loss of suspended ceilings, reinstatement of tracery windows etc and the improved facilities to the Museum.	Ceiling details
	HFH-BML-XX-ZZ-DR-S-0360 rev T02				Further clarification required.		As above	As above	
5.1 (c)	Clarification in respect of the internal wall insulation in	Agent Comments in Tracker	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be	Further information required at this stage	N	01265 – ART-XX-00-DR-A-16122 Rev P01	Drawing 01265 – ART-XX-00-DR-A-16122 Rev P01 and 01265 – ART-XX-00-DR-A-16123 Rev P01 confirms that the current dry lining will be removed. Drawing 01265	Amended Plans

	Middle Exhibition Hall/Museum are required.			conditioned as they are fundamental to the consideration of the listed building consent application			01265 – ART-XX-00-DR-A-16123 Rev P01 01265 – ART-XX-00-DR-A-16124 Rev P01	– ART-XX-00-DR-A-16124 Rev P01 identifies IWI to be installed behind replacement wall lining, to the same depth from DDL to picture rail to maintain the current visual appreciation of the corbelling	
	Clarification in respect of proposed works to trusses as discrepancy between plans. details are required in order that this element can be considered	Agent Comments in Tracker	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application	Further information required at this stage	N	01265 – ART-XX-00-DR-A-16124 Rev P01 01265 – ART-XX-00-DR-A-16123 Rev P01 Tender Document HFH-BML-XX-ZZ-DR-S-0200 Rev T05	The amended plans confirm the retention and degree of exposure of the trusses as visible in the current exhibition room, that is to ceiling level. Tender Document HFH-BML-XX-ZZ-DR-S-0200 Rev T05 identifies that above ceiling trusses are to be removed to facilitate the additional floor.	Amended Plans
5.1 (d)	Clarification in respect of the cornice and if the 100mm IWI is indicative as it will be behind existing hardboard.	Agent Comments in Tracker	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application	Further information required at this stage	N	01265 – ART-XX-00-DR-A-16122 Rev P01 01265 – ART-XX-00-DR-A-16123 Rev P01 01265 – ART-XX-00-DR-A-16124 Rev P01	As 5.1 C	Amended Plans
5.1 (e)	Clarification discrepancy between plans in respect of IWI on south walls of Third Floor exhibition Room	Agent Comments in Tracker	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed	Further information required at this stage	N	10625 – Art-XX-00-A-16124 Rev P01 10625 – Art-XX-00-A-16125 Rev P01 01265 – ART-XX-00-DR-A-16122 Rev P01	Contents of additional information noted. No further clarification required. Individual IWI discussed in 5.1.c	Amended Plans

				<i>building consent application</i>			01265 – ART-XX-00-DR-A-16123 Rev P01 01265 – ART-XX-00-DR-A-16124 Rev P01		
5.1 (f)	<i>Clarification discrepancy between plans in respect of IWI Third Floor Exhibition</i>	<i>Agent Comments in Tracker</i>	<i>Request to be conditioned</i>	<i>As above</i>	<i>Further information required at this stage</i>	<i>N</i>	<i>As above</i>	<i>As above</i>	Amended Plans
6. Fourth Floor									
6.1 (a)	<i>Clarification and details in respect of the vertical steel supports and new floor in the 1874 section of the building, should be provided before this element can be considered.</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>				Revised Plans as per 3.1a	This steelwork will be in new floor to replace the existing roof and as such has a lesser impact on retained historic fabric	Amended Plans
6.1 (b)	<i>Slimmer IWI on the three Broad Street rooms and the retention of the cornice, architrave and picture rail, and the reuse of the</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>				10265-ART-XX-00-DR-A-16134 Rev P01 10265-ART-XX-00-DR-A-16135 Rev P01 10265-ART-XX-00-DR-A-16136 Rev P01	Additional details noted, and the condition of the plaster. Details of the roof insulation and ceilings should have been provided. However given the extent of information provided to date this can be conditioned	Roof Insulation

	skirting boards						10265-ART-XX-00-DR-A-16137 Rev P01 Plaster Survey Report HMAG Stage 3 EnerPHit Overview		
6.1 (c)	Consideration of the retention of the staircase to the librarians quarters. As this is a substantial loss to the significance of the building	Agent Comments in Tracker	For discussion/ further review	Pre-application discussions noted, however all Listed Building Consent applications are a balancing exercise between the works to a listed building and the public benefits of the works			10265 – ART-XX-03-DR-A-1142 Rev P03 10265 – Art-XX-04-DR-A-41150 – Rev P03	This staircase is to be lost, which is regrettable as it illustrates the library had domestic accommodation for the librarian and as such are of great significance in the evidential, historic, aesthetic and communal value of the building. The loss of this heritage feature will cause less than substantial harm to this listed building. This harm has to be balanced against the positive benefits to the building as a whole and the improved facilities to the Museum.	n/a
		LBC additional information REF 10265		The additional information clarifies why the lift is so positioned and its loss is regrettable, however based on the additional information, the loss of the historic staircase is now not opposed.	Previous objection withdrawn			No further comment	n/a

6.1 (d)	Re-consideration of the size and design of the window to the stairwell	Agent Comments in Tracker	For discussion/ further review	Concerns due to the impact of this feature when viewed from the cathedral grounds and window so proposed would be considered discordant and overdominant feature of the new works to the museum	Request for amendments repeated as stairwell window not considered appropriate		Revised D&A 10265-Art-A-XX-XX-DR-43302 rev P03 10265-Art-A-XX-XX-DR-43300 rev P02	Amended plans - noted and it is considered that the visible element of the window (some glazing will be hidden behind perforated corten steel) whilst large is more proportionate in scale.	Amended Plans
6.1 (e)	Reconsideration of the heads of the venetian gothic windows	Agent Comments in Tracker	For discussion/ further review	Concerns expressed with the size and dominance of the windows, and the view from King Street when viewed above the roofscape of listed buildings and the Cathedral grounds, Amendments requested	Amended window designs are again requested to limit the impact when viewed from King Street as per Figure 8 previously issued.		Revised D&A 10265-Art-A-XX-XX-DR-43302 rev P03	The revised design is for a single larger window working with the roofscape and producing a linear feature which is considered less dominant than the larger arched windows.	Amended Plans
7. Fifth Floor									
7.1 (a)	Details of the steel support to this floor	Agent Comments in Tracker	For discussion/ further review				Revised plans as per 3.1.a	This steelwork will be in new floor to replace the existing roof and as such has a lesser impact on retained historic fabric	Amended Plans

7.1 (b)	Details of soil pipes if internal or external	Agent Comments in Tracker	Request to be conditioned		Some clarification required, but the principle of external siting on the northern elevation not opposed.	Y if external only	10265-Art-A-XX-XX-DR-43300 rev P02	Additional information noted,	Amended Plans
		LBC additional information REF 10265		The siting on the northern elevation is welcomed as it is the less public elevation. The location of the RWP directly adjacent to the tracery window is not desirable, and relocation welcomed if possible.			10265-Art-A-XX-XX-DR-43300 rev P02		
7.1 (c)	Clarification of the height of the lift shafts	Agent Comments in Tracker	For discussion/ further review				10265-Art-A-XX-XX-DR-43300 rev P02	Clarification provided in additional/amended plans	Amended Plans
		LBC additional information REF 10265		The public lift at a height of 17828 is lower than the existing chimney height at 18641 and is noted. The clarification in respect of the height of the rear lift shaft is noted			10265-Art-A-XX-XX-DR-45200 rev P04		

7.1 (d)	<i>In respect of the corten steel lift shaft covering and the slate walls, an alternative treatment for this elevation is sought.</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>The opportunity to review for a more cohesive approach in terms of materials given the simplicity of the current elevation is welcomed.</i>	<i>For further discussion/ review</i>		10265-Art-A-XX-XX-DR-43303 rev P04	Revisions in materials welcomed as the lift shaft will be the same colour as the roofscape and produce a simpler elevation.	Amended Plans
7.1 (e)	<i>Consideration of the windows on the south elevation to represent arches below</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>Comments made in 6.1.1 (e)</i>	<i>Amended window designs are again requested to limit the impact when viewed from King Street</i>		Revised D&A 10265-Art-A-XX-XX-DR-43302 rev P03	Comments as per 6.1.e. The amended plans considered more appropriate in this location	Amended Plans
7.1 (f)	<i>Requested changes to design of stairwell window</i>	<i>Agent Comments in Tracker</i>	<i>For discussion/ further review</i>	<i>Comments made in 6.1.1 (d)</i>	<i>Request for amendments repeated as stairwell window not considered appropriate</i>		Revised D&A 10265-Art-A-XX-XX-DR-43302 rev P03 10265-Art-A-XX-XX-DR-43300 rev P02	Comments as per 6.1.d. The amended plans considered more appropriate in this location	Amended Plans
7.1 (g)	<i>Details of the pv panels – could be conditioned</i>	<i>Agent Comments in Tracker</i>				Y		No further comment	Y
7.1 (h)	<i>Materials with particular attention to the brickwork – could be conditioned</i>	<i>Agent Comments in Tracker</i>				Y		No further comment	Y
Comments on new information									
A1.		HFM-BML-XX-01-DR-S		<i>Works to the primary staircase has been included in</i>	<i>Information on the works to the staircase required as part</i>			It is understood that some investigative work has been undertaken and the cantilever staircase is constructed of metal, illustrating the engineering	Balustrade detail

		0102-T03		<i>this drawing not previously referenced</i>	<i>of the LBC application</i>			innovations of the time. The additional work in respect of the loss of the modern ceiling is also acknowledged. In restoring the staircase to its original height. Ideally the balustrade details would be part of the application, however given the wealth of information provided in respect of the works, and the fact that this will be a public building with the potential to exhibit artefacts or public art in this space, it would seem appropriate to condition this element to allow further consideration.	
A.2		HFM-BML-XX-01-DR-S-0102-T03 HFM-BML-XX-01-DR-S-0101-T03 LBC additional information REF 10265		<i>Stitching of cracking is often an accepted means of repair – subject to details. Full details of the extend of and method of stitching should accompany the application with areas illustrated on elevation plans</i>	<i>Full details required.</i>		Masonry Repair report	Additional information noted	Y
A3		HFM-BML-XX-ZZ-DR-S-0090-Rev-T02 HFM-BML-XX-ZZ-DR-S-0090-Rev-T02 10265-Art-XX-00-DR-A-1600-Rev-P02		<i>These plans are useful in depicting the walls, stairs, and roof to be demolished, However It is suggested that this is coloured with 2 colourways to</i>			10265-Art-XX-B1-DR-A – 11102 Rev P05 10265-Art-XX-00-DR-A -11113 -Rev P04 10265-Art-XX-01-DR-A -11122-Rev P03 10265-Art-XX-02-DR-A -11132-Rev P03 10265-Art-XX-03-DR-A -11142-Rev P03 10265-Art-XX-04-DR-A -11152-Rev P03	The additional information in respect of the historic fabric to be lost and the more recent additions is acknowledged and has informed the comments provided in that the loss of historic fabric has been clearly identified and as such able to be assessed.	Amended Plans

~~10265-
 Art-XX-00-
 DR-A-
 16005-Rev
 P02~~
~~10265-
 Art-XX-00-
 DR-A-1610
 Rev-P02~~
~~10265-
 Art-XX-00-
 DR-A-1615
 Rev-P01~~
~~10265-
 Art-XX-00-
 DR-A-
 1620-Rev
 P01~~
~~10265-
 Art-XX-00-
 DR-A-1625
 Rev-P01~~
~~10265-
 Art-XX-00-
 DR-A-1630
 Rev-P02~~
~~10265-
 Art-XX-00-
 DR-A-1634
 Rev-P02~~
~~10265-
 Art-XX-00-
 DR-A-1635
 Rev-P01~~
~~10266-
 Art-XX-00-
 DR-A-1640
 Rev-P01~~

*differentiate
 between historic
 fabric and
 modern features
 as the loss of
 historic weight
 is given greater
 significance
 than modern
 fabric, and
 some modern
 elements to be
 removed are
 welcomed.
 However not all
 historic fabric to
 be lost is
 recorded on
 these plans and
 it is
 acknowledged
 that other
 historic fabric is
 proposed for
 removal,
 excavation of
 the basement,
 potentially all
 plaster to
 external walls,
 ceilings, and
 such it would be
 useful if all the
 historic fabric to
 be removed
 was
 acknowledged
 in addition to
 the more
 modern
 mezzanine*

10265-Art-XX-05-DR-
 A -11162-Rev P03
 10265-Art-XX-RF-DR-
 A -11172-Rev P03
 10265-Art-XX-XX-DR-
 A -12220-Rev P03
 10265-Art-XX-01-DR-
 A -11122-Rev P03
 10268-Art-XX-00-DR-
 A16101 Rev P01
 10269-Art-XX-00-DR-
 A16102 Rev P01
 10270-Art-XX-00-DR-
 A16103 Rev P01
 10271-Art-XX-00-DR-
 A16104 Rev P01
 10272-Art-XX-00-DR-
 A16105 Rev P01
 10273-Art-XX-00-DR-
 A16106 Rev P01
 10274-Art-XX-00-DR-
 A16107 Rev P01
 10275-Art-XX-00-DR-
 A16108 Rev P01
 10276-Art-XX-00-DR-
 A16109 Rev P01
 10277-Art-XX-00-DR-
 A16110 Rev P01
 10278-Art-XX-00-DR-
 A1611 Rev P01
 10279-Art-XX-00-DR-
 A16112 Rev P01
 10280-Art-XX-00-DR-
 A16113 Rev P01
 10281-Art-XX-00-DR-
 A16114 Rev P01
 10282-Art-XX-00-DR-
 A16115 Rev P01
 10283-Art-XX-00-DR-
 A16116 Rev P01
 10284-Art-XX-00-DR-
 A16117 Rev P01
 10285-Art-XX-00-DR-
 A16118 Rev P01
 10286-Art-XX-00-DR-
 A16119 Rev P01

				<i>structures, stairs etc.</i>		<p>10287-Art-XX-00-DR-A16120 Rev P01 10288-Art-XX-00-DR-A16121 Rev P01 10289-Art-XX-00-DR-A16122 Rev P01 10290-Art-XX-00-DR-A16123 Rev P01 10291-Art-XX-00-DR-A16124 Rev P01 10292-Art-XX-00-DR-A16125 Rev P01 10293-Art-XX-00-DR-A16126 Rev P01 10294-Art-XX-00-DR-A16127 Rev P01 10295-Art-XX-00-DR-A16128 Rev P01 10296-Art-XX-00-DR-A16129 Rev P01 10297-Art-XX-00-DR-A16130 Rev P01 10298-Art-XX-00-DR-A16131 Rev P01 10299-Art-XX-00-DR-A16132 Rev P01 10300-Art-XX-00-DR-A16133 Rev P01 10301-Art-XX-00-DR-A16134 Rev P01 10302-Art-XX-00-DR-A16135 Rev P01 10303-Art-XX-00-DR-A16135 Rev P01 10304-Art-XX-00-DR-A16136 Rev P01</p>		
A4						<p>Glass balustrade 10635 ART-XX-RF-DR-A-24500</p> <p>LP02303-FIR-00-ZZ-DR-L-2003.</p>	<p>The glass balustrade is a new feature to be introduced, and the use of non reflective glass is welcomed as it will prevent glare from the balustrade which will be from a high level. However in addition to the glare/reflection, the nature of the glass being transparent,</p>	Y

								results in the use of the Upper terrace being visible, which will mean that planters, chairs, tables, etc will be visible through the glass, as indicated on the illustrative images on LP02303-FIR-00-ZZ-DR-L-2003. This visual harm could be reduced by different coatings in addition to the anti reflective glass to minimise what would appear as a terrace with no visible balustrade. As such it is requested that a sample of the glass be conditioned	
A5							LP02303-FIR-00-ZZ-DR-L-2003.	It is acknowledged that the indicative finish of the upper and lower terrace is still indicative at this stage. However LP02303-FIR-00-ZZ-DR-L-2003. Suggests illuminated boards. The use of the terrace for exhibitions, educational purposes etc. is supported. Nonetheless I am mindful of both height pollution and the visual impact of an illuminated item , at the height and size proposed with such visibility over the roofs cape. I would therefore request consideration of a condition controlling illumination on the roof terraces	Y

Suggested Conditions.

1. CE7 LBC Time period
2. The development to be undertaken strictly in accordance with the amended plans.

3. CE8 - EXPERT SUPERVISION

4. CF6 - STRUCTURAL SUPPORT FOR RETAINED ELEMENTS

No demolition works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:

- Strengthening any wall or vertical surface;
- Support for roof timbers on the Broad Street elevation
- Provision of protection for the building against the weather;

The structure retained in accordance with Condition [] during the progress of the works

5. CF7 CONTRACT FOR REDEVELOPMENT BEFORE DEMOLITION
6. C13 SAMPLES OF EXTERNAL MATERIALS including balustrade
7. CH1 MASONRY DETAILS

Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A sample of the bricks and brickbond to be used in block up the existing rear pedestrian door.
- the face bond of brickwork;
- description of the joints proposed;
- mortar mix, profile and finish.

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

8. CH4 POINTING
9. CH5 RE-POINTING
10. C17 REPAIRS IN SITU

Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ as per the;

- Masonry Survey by Stoneworks Building Surveyors 08/04/2024
- Masonry repair Report HMAG-BML-XX-XX-RP-S-0010

11. CJ6 MAKING GOOD – SUBMIT DETAILS
12. CH1 MASONRY DETAILS

Post creation of opening and introduction of steelwork, but before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the architectural details around the pad stones supporting the steelwork creating the 2 entrance doors to the front foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03

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

13. CE9 LATER APPROVAL OF DETAILS

Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

Repairs to the balcony on Broad Street

Details of any venting to the Woolhope Room

Details of any window seals, location and type to W021, W0202, and W0203

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

14. CE9 LATER APPROVAL OF DETAILS

No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details,

- The new suspended ceilings in foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03
- The new ceiling to third floor rear exhibition room identified on drawings; 10625 – Art-XX-00-A-16129 Rev P01, 10625 – Art-XX-00-A-16123 Rev P01, 10625 – Art-XX-00-A-16126 Rev P01 and 10625 – Art-XX-00-A-16127 Rev P0
- Replacement skirting boards

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

15. CE9 LATER APPROVAL OF DETAILS

No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details

- Details of the method, procedure and application of paint removal from the stone mullioned windows W0017, W0018, and W0019
 - The colour of any paint on the rendered plinth on the southern elevation below windows W0017, W0018, and W0019
- Any repairs to the tracery windows, WT09/W0205, WT10/W0012,

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

16. CE9 LATER APPROVAL OF DETAILS

No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Between rafter roof insulation on the roof pitch fronting Broad Street.

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

17. CE9 LATER APPROVAL OF DETAILS

No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Any works to the staircase or balustrade to the principal staircase in the entrance hall 00-004 on drawing number 10265-Art-XX-00-DR-A-41110 rev P03

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

18. CJ4 SOLAR PANELS – APPEARANCE

19. CJ1 M&E SERVICES

MEMORANDUM

To : Consultee
From : Ms Heather Carlisle, Planning Services, Blueschool House - H31
Tel : 01432 260453 My Ref : 230385
Date : 27/06/2023

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APPLICATION NO & SITE ADDRESS: Planning Re-consultation - 230385 - Museum, Hereford Library, Broad Street, Hereford, Herefordshire, HR4 9AU
DESCRIPTION: Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.
APPLICANT(S): Mr Roger Allonby
GRID REF: OS 350882, 239840
APPLICATION TYPE: Council Development Reg 3
WEBSITE LINK: <http://www.herefordshire.gov.uk/searchplanningapplications>

Amended Additional Amended and Additional Re-Consultation

Plans and/or documents have been received for the proposal described above which are now available in Wisdom. If you have any further comments to make please respond by **11/07/2023**.

Should you require further information please contact the Case Officer.

Any comments should be added below and actioned in Civica to Ms Heather Carlisle.

Comments:

230385/F (2) Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.

230386/L (2) Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

Thanks you for consulting me on the additional information. For ease of reference, I have tabulated the response with cross reference to my previous comments with the original numbering and the additional information which I trust is helpful.

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Item	HBO Comments of 02/05/2023	Additional information received	Agent Comments	Agent Status based on Tracker	HBO comments on additional information 18/07/2023	Further Information/request for amendments	Could be conditioned
2 Basement							
2.1 (a)	Full details of the new steelwork are required before that this detail can be considered	Structural report received		For discussion/ further review			
		HFM-BML-XX-01-DR-S-0102 Rev T03	Ground Floor Plan annotation Masonry piers to be tested to ensure they can support additional loading. Allow 2No. UC254x254x73 columns full height & foundations with piles if masonry does not have capacity.		Noting the archaeological sensitivity of the site, and the ground conditions – details of the type of foundations would be required at this stage See also 3.1 (a)	Comments from HCC Planning Archaeologist suggested to assist in the consideration of these works within the AAI	

		HFM-BML-XX-BO-DR-S-0300 T03	indicative underpinning shown. Shows basement floor removed and 1000mm hardcore laid beneath finishes, tanking and insulation to architects specifications		Noting the condition of the building the details comments that the piles shown indicatively only subject to designed and detailed by Specialist.		
		HFM-BML ZZ DR S 0170 Rev T03	New Steel Frame extension.		The Pile foundations are noted		
2.1 (b)	Internal wall insulation details of the basement	Agent Comments in Tracker	Request that IWI and window details conditioned	Request to be conditioned	In this instance there is work to be undertaken in the cellar, both in terms of possible archaeology and also the revealing of the walls behind current storage which cannot as yet be removed as dependant on other factors. The walls were not previously visible as the area was utilised for storage. However I note that the building is soon to be closed to the public and as such the opportunity to inspect this area hopefully will arise in the near future. See also 2.1 (e) and 2.1 (f)		Y if access not possible prior to determination.
2.1 (c)	Clarification in respect of the strong room door	Agent Comments in Tracker	Planned to be removed, however whilst a lesser ideal in terms of movement, the new opening could be repositioned to retain the door in situ	For discussion/ further review	Whilst the door will no longer be a strong room door with a new opening next to it, this approach is welcomed as the door will remain in its original location, the purpose of	Amended plans welcomed	

					the room will be apparent due to the door style. Amended plans welcomed		
2.1 (d)	Clarification in respect of the external stone string course	Agent Comments in Tracker	Confirmation stone string course to be retained and the concrete lintel to be replaced with new stone course	For discussion/ further review	Clarification welcomed could be conditioned – however if amended elevation details received an annotation on the elevation plan would be desirable	if amended elevation details received an annotation on the elevation plan would be desirable	Y
2.1 (e)	Clarification in respect of the tanking of the cellar.	Agent Comments in Tracker	Request to be conditioned – following further investigation by specialist but historic value of walls acknowledged.	For discussion/ further review	The historic value could also extend to the floor.. Could not readily be conditioned as the principle of the waterproofing has not been established. But the issues regarding investigation noted. Suggested that investigations continue where possible and if the matter not resolved at the time of a determination if favourable, that this matter be removed from the application for ease of consideration. OR if a condition imposed it would need to be notwithstanding and without prejudice to the findings of the investigation without a guarantee that tanking is even acceptable	Noting the plans submitted that confirm works are proposed. However the details as to the works proposed as requested have not been provided. Further information required in respect of the tanking.	Notwithstanding and without prejudice
		Tender Drawing HFM-BML-XX-00-DR-S-0101 rev T03			I note the reference to basement tanking details tbc confirmed by architects, however for the avoidance of doubt as these details have not		

				<p>been finalised and as such discussed they should not form part of the approved plans, and ideally the details should be agreed or reference removed from the submitted drawings for the avoidance of doubt as to what has been approved, as without the investigations being completed the principle has not been agreed, therefore the details cannot be conditioned.</p> <p>Details of the plates supporting the pavement to be provided – potentially could be conditioned in isolation The works to the cellar have archaeological potential and as such would need the involvement of the planning archaeological advisor.</p>		
		HFM-BML-XX-BO-DR-S-0100 T03	Water tight basement Construction - requirements to satisfy the waterproofing strategy for the design of the basement are to be confirmed to the Project Engineer prior to any fabrication or works on	These details would need to accompany the listed building consent application		

			<p>site. For the avoidance of doubt the Contractor (or Specialist Water-Proofing Consultant) is responsible for the design, specification and implementation of the basement water-proofing system.</p>				
		HFM-BML-XX-BO-DR-S-0100 T03	<p>Indicates underpinning of all foundations at 1m max pits</p> <p>Additional allowance to be made throughout the basement for taking up & replacing the existing slab to install new drainage. Subject to drainage survey report.</p> <p>Contractor to allow for localised breaking out of slab sufficient areas to allow for safe installation of underpinning & new lift pit</p>		<p>Given the site is within the AAI and above a recorded archaeological feature The Kings Ditch – the planning Archaeologist would need to advise on this matter.</p> <p>However it appears that the details may be left to the contractor, and these details should accompany the LBC and be agreed at least in principle prior to determination.</p> <p>The significance of the cellar has yet to be established</p>	Comments from HCC Planning Archaeologist suggested to assist in the consideration of these works within the AAI	
2.1 (f)	Confirmation as to the age and interest of the front cellar, and potentially after the removal of some plasterwork	Agent Comments in Tracker	Noted	To be conditioned	As with 2.1 (b) and 2.1 (e)		Y
2.1 (g)	the reuse of the existing bricks to block up the existing rear pedestrian	Agent Comments in Tracker	noted	To be conditioned			Y

	door.						
3. Ground Floor							
3.1 (.a).	Full details of the new steelwork are required before these works can be considered, and with particular reference to the steelwork in the current library and the relationship with the existing pilasters	Tender Drawing HFM-BML-XX-00-DR-S-0121 Rev T01 Tender Drawing HFM-BML-XX-00-DR-S - 0102 Rev T03		For discussion/ further review	Noting the submitted drawings Tender Drawing HFM-BML-XX-00-DR-S-1121 Rev T01 and Tender Drawing HFM-BML-XX-00-DR-S - 0102 Rev T03, which indicate the location of the steels, on the floor plan and on the axiomatic view, however this does not adequately illustrate the relationship with the ornate pilasters that are a feature of the room, as requested. I would refer to paragraph 3.6.3 of my original comments for the rationale behind this request.	Requested Information not provided	
		HFM-BML-XX-01-DR-S-0102 Rev T03 HFM-BML-XX-02-DR-S-0103 Rev T02 HFM-BML-XX-03-DR-S-0102 Rev T03 HFM-BML-XX-	Floor Plans annotation Masonry piers to be tested to ensure they can support additional loading. Allow 2No. UC254x254x73 columns full height & foundations with piles if masonry does not have capacity				

		04-DR-S-0105 Rev T03					
3.1 (b)(i)	Relocation of the new wall to express the pilasters or a cross section illustrating how the pilasters are to be incorporated into the wall at a scale not less than 1:10	Agent Comments in Tracker	This wall is located to align above an existing retained beam in the mezzanine below (A). The exhibition side of this wall will have a service ductwork bulkhead (B) which is replicated on both sides of the room to provide symmetry, the 2 beams in this space will contribute to this symmetry. The 3rd beam and pilaster will remain fully exposed in the adjoining rooms instead of trying to build a new wall directly under. See supporting information. Plan submitted		The comments appear to be in relation to the corbelling in Exhibition 01 – See comments below However the request was in respect to the new wall in Exhibition space 02, where a new wall is proposed and appears to come off pilasters. I would reference paragraph 3.6.2 of the previous comments for the request in full. Comments in respect of the corbelling are within 3.1.(n)	Additional information not received.	
		Tender Drawing HFM-BML-XX-00-DR-S - 0102 Rev T03			Notwithstanding the information on Tender Drawing HFM-BML-XX-00-DR-S - 0102 Rev T03 a cross section of the wall at the required scale has not been provided as previously requested		
3.1 (b)(ii)	Relocation of the new wall to express the pilasters or a cross section illustrating how the pilasters are	Agent Comments in Tracker	This wall is located to align above an existing retained beam in the mezzanine below (A). The exhibition side of this wall will have a service ductwork bulkhead (B) which is replicated on both sides of the room to provide	For discussion/ further review	The request was made in respect of the pilasters in exhibition space 2 and not the corbels in exhibition space 1. I would refer to paragraphs 3.5.4 and 3.5.5 of the previous comments where the	Additional details required not supported.	

	to be incorporated into the wall at a scale not less than 1:10		<p>symmetry, the 2 beams in this space will contribute to this symmetry. The 3rd beam and pilaster will remain fully exposed in the adjoining rooms instead of trying to build a new wall directly under. See supporting information. Plan submitted</p>	<p>request to either open the tracery window OR relocate the wall slightly to expose the corbel in exhibition space 01 was made.</p> <p>I would refer to 3.1.(n) The location of the ducting next to the new wall is not ideal in that location and would compromise the architectural detail of the corbelling. Whilst noting the location of the existing non original beam, as a non supporting wall could the wall be set back to expose the corbelling in the public room and retain the beam.</p>		
		<p>LBC additional information REF 10265 section 1.9</p>	<p>In addition to the above, the wall was not positioned to the right of the existing beam and corbel due to the constraints of the Changing Places facility which has strict minimum size in order to comply with the regulation, reducing the width of the Kitchenette would make it impractical for use.</p>	<p>The service ductwork bulkhead was not indicated on any previous plans, and as such was not given consideration at that time. Could the eastern service bulkhead be relocated to be sited within the non public rooms above the mezzanine ? details of the visual appearance of the bulkhead within this space would need to be submitted. However if the location is agreed, and the general design/</p>		

					<p>materials this may be able to be conditioned. The relocation of the wall to expose the corbel – a significant architectural feature would mean relocating the wall by a small amount, and as such it is not considered that this would compromise the kitchenette to a degree to render it unworkable. The request is repeated.</p> <p>I note the details for the re-glazing of the window. However given the floor level the reason for just glazing the upper section with the quatrefoils and not the upper section above the transom is not readily understood. It would seem possible to relocate the wall and glaze the upper part of the tracery window which will enable light to enter the staff kitchen. However as the current proposal is for no light to the kitchenette, the balance would have to be on the exposure of the corbel to the public space and not the limited glazing proposed.</p>		
3.1(c)	The Conservation Management Plan identifies	Agent Comments in Tracker	Steelwork will be used to form the opening. This will be boxed in to be hidden and appear as a continuation of		As a significant alteration to the original section of the building, it is not considered that this		N

<p>that the walls in the foyer are load bearing, however it is proposed to remove 2 large sections of walls, whilst retaining the upper parts of the wall, no details as to how that will be achieved has been submitted. It is assumed that a RSG or similar is required to span the opening created. Full details including elevational details of these walls and the necessary works to create the width of openings proposed should be provided before this</p>		<p>the bulkhead wall. The full detail of this will need to be developed at the next design stage - can this be conditioned? See supporting information</p>		<p>element can be conditioned and would be required at this stage as the principle of the works cannot be considered favourably without the necessary information</p>		
	<p>LBC additional information REF 10265 section 1.19</p>			<p>The details on section 1.19 of LBC additional information REF 10265 noted and the extent of wall removal is difficult to justify, noting the average door height. A smaller opening is requested with more of the wall retained. This may also assist in the opening and closing of any doors or screens. Which would be smaller in size replicating the height of the existing doors more readily.</p>		
	<p>Tender Drawing HFM-BML-XX-00-DR-S-0121 Rev T01</p>			<p>I note the bi-fold doors on the plans and for clarity the method of screening has not been agreed</p>		

	element can be considered.						
3.1 (d)	Clarification of IWI around windows and pilasters in the current library and further consideration of the IWI in this room in respect to the expression of the pilasters.	Agent Comments in Tracker	Details of the IWI strategy are provided on submission information. Comments around insulation being omitted to pilasters and set back to express the depth are noted however this would seriously compromise the thermal performance. This strategy has been used sparingly in certain more sensitive locations although cannot work as a strategy throughout. Please see HMAG-ART-XX-XX-RP-A-65810_EnerPHit Overview-S4-P01 included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.	Request to be conditioned	It is a requirement to submit the appropriate level of information to consider the works proposed to a listed building. Where the extent of the works are understood and accepted but not the finer details, these finer details can be conditioned. However in this instance the IWI illustrated on the plans would comprise the architectural legibility of the architectural details that are particularly relevant in a building of this nature. To condition such fundamental issues would be contrary to; (i) section 194 of NNPF (ii) Herefordshire Core Strategy Policies SD1 which requires distinctive features of existing buildings are safeguarded (iii) Herefordshire Core Strategy Policies SS6 which requires Development proposals to be based upon sufficient information to determine the effect upon each where they are relevant i.e listed buildings.	Further information required at this stage	N
		HMAG-ART-XX-XX-RP-A-65810 Enerphit			Contents noted and the exemptions in section 3.4. The requirement for a		

		Overview S4-P01			reduction in fossil fuels is acknowledged and supported, however this has to be balanced against protection of designated assets. This is especially relevant of a building of this quality and architectural features. Alternative less visually damaging methods of IWI again requested in this location.			
259	3.1 (e)	The internal wall insulation is noted, on Heritage plans Ground Floor Entrance Area, XX-00-DR-A-16000 rev P02, however how that relates to the cornicing has not been detailed. The photograph on XX-00-DR-A-16000 rev P02 is of a cornice above suspended ceiling to be removed, however the removal of the suspended ceiling to	Agent Comments in Tracker	Information is still required to ascertain the current window reveal detail due to the internal timber wall lining, it is hoped that the insulation can be within the existing void behind the timber wall cladding. No insulation is proposed to wrap into the reveals. A consistent insulation thickness and therefore relationship between the cornice and IWI could be sought with a view to reducing the thickness of the external wall IWI (changing to aerogel)	Request to be conditioned	The absence of IWI in the window reveals is welcomed, as is the consideration of a thinner IWI such as Aerogel. However for the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application	Further information required at this stage	N

	<p>restore the original height and the relationship with the windows would be welcomed, however the internal wall insulation on the side elevations would be 40mm, and the relationship with the cornice should be detailed, and 100mm IWI is proposed on the front elevation, however the walls are actually quite minimal around the windows. A detailed plan indicated how the IWI will be addressed in the window reveals should be submitted as XX-00-DR-A-16000 rev P02 seems to suggest that the 100mm</p>		<p>obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.</p>				
		<p>HMAG-ART-XX-XX-RP-A-65810 Enerphit Overview S4-P01</p>			<p>Contents noted and the exemptions in section 3.4. The drive for a reduction in fossil fuels is acknowledged and supported, however this has to be balanced against protection of designated assets. This is especially relevant of a building of this quality and architectural features. Alternative less visually damaging methods of IWI again requested in this location.</p>		

	IWI will continue on the window reveals which will obscure a high proportion of the window frame and a substantially slimmer IWI if required is suggested such as aerogel for the internal front wall.							
261	3.1 (f)	A detailed plan indicated how the IWI will be addressed in the window reveals should be submitted as XX-00-DR-A-16000 rev P02 seems to suggest that the 100mm IWI will continue on the window reveals which will obscure a high proportion of the window	Agent Comments in Tracker	Please see HMAG-ART-XX-XX-RP-A-65810_EnerPHit Overview-S4-P01 included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.	Request to be conditioned	However for the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application. Alternative less visually damaging methods of IWI again requested in this location.	Further information required at this stage	N

	frame and a substantially slimmer IWI if required is suggested such as aerogel for the internal front wall.						
3.1 (g)	The large timber skirting boards identified in the Conservation Management Plan appear to be lost and replaced with new hardwood square profile skirting as identified on the proposed floor finishes 1 of 2 XX-XX-DR-A-15100 rev P02. The rationale for the loss of the skirting boards appears to be the IWI, however a slimmer IWI could retain the skirting boards or they could be re-used. Further information is	Agent Comments in Tracker	The large timber skirtings are only present in very small areas, and those that are there are very damaged so they key driver for new skirtings is a high quality and consistent aesthetic. Internal wall insulation doesn't impact to much on this area. Square profile hardwood skirting has been proposed as a high quality replacement but these could be painted softwood matching the historic profile if desired?	For discussion/ further review	The large timber skirting boards identified in the Conservation Management Plan, with the justification for their loss appearing to be the thickness of the IWI. The loss of historic fabric should be justified, and in this instance the condition and extent of the area of the skirting boards could be a consideration, however no details of their extent or condition has been provided. Without justification for their loss a thinner IWI is again requested	Further information required at this stage	

	required in this detail.						
3.1 (h)	Clarification why the existing plaster cannot be retained	Agent Comments in Tracker	"EnerPHit report HMAG-ART-XX-XX-RP-A-65810 P01 S4 Section 7.1.2 refers to plaster testing. Plaster to be removed if not original as likely to be non-breathable, cement based. Elsewhere original plaster could be assessed for retention. Approach set out in EnerPHit report outlines 7.1 Stage 4 Development, 7.2 Systematic and iterative approach to refining early-stage assumptions. Request details be conditioned.	For discussion/ further review	The retention of original plaster is welcomed. Clarification is required in respect of the degree of plaster to be lost and the degree of plaster to be retained, as just a statement confirming retention of original plaster where found would be sufficient.	Further information required at this stage	
		EnerPHit report HMAG-ART-XX-XX-RP-A-65810 P01 S4	Paragraph 7.1.3		The contents of 7.1.3 are noted and the retention of original lime plaster is supported and the replacement of cement plaster not opposed in principle. However I note in the EnerPHit report that the current proposal in Detail 1, and 3 was for 80mm of pavatherm on top of the current plaster, however the enhanced proposal appears to be for the removal of all the plaster.		

					Some areas can accept thicker IWI and some areas have to be considered with more care where there are architectural features that area designed to have relief such as pilasters that would be severely compromised by thick IWI. However the Broad Street internal elevation also has to be considered with care, given the wall to window ratio there is little wall to insulate.		
		IWI and fabric Strategy summary in the Enerphit report	The outline strategy proposes the removal of the existing plaster to the internal walls of the external facade with the exception of the Woolhope room. A base layer of 15mm Diathonite insulation will then be applied to the external walls		Apparent discrepancy with tracker which suggests plaster testing and lime plaster retained. As the documents differ, the approach proposed should be confirmed in order that it is understood what it being applied for under the listed building consent.	Discrepancy between documents requires clarification	
3.1 (g)	An alternative to the roller shutter Door IDT09 on Internal Door Assemblies XX-DR-A-27601, and consideration of more wall retained.	Agent Comments in Tracker	The client has confirmed that the roller shutters can be omitted. (note there appeared to be some confusion in the notes about roller shutters being used to external windows - just to clarify this has not been considered)	For discussion/ further review	It was understood that the roller shutters were within the foyer and related to item 3.1 (c) . Alternative arrangements following the details in 3.1 (c) welcomed	Amended plans required	
3.1 (j)	Clarification that windows	Agent Comments in	Can additional details be conditioned?		Details noted – however in respect of WT10 please		Y - subject to clarification in

	not removed are to be retained in their current condition and not repaired	Tracker Please refer to Window and door report (HMAG-ART-XX-XX-RP-A-61810-P01-S4_WINDOW_DOOR_REPOR T). Can additional details be conditioned?			refer to 3.1 (n)		respect of WT10 – extent of glazing proposed
265	3.1 (k) Finoe 12 requested as an alternative to the proposed glazing in current library	Agent Comments in Tracker	As the stone mullions are highly conductive these windows would need a secondary glazing solution. This does mean that the existing glass can be retained. These windows have been debated at some length and as they also represent a significant expanse of the wall, a programme of improving the thermal performance of this space should include significant improvement to these windows and we believe that this is the right approach to celebrate the existing windows too. Request that the final approach to the windows be conditioned.	Request to be conditioned	The original request for a more sympathetic approach expressing the stone mullions internally and externally by improving the glass is again requested. For the reasons previously expressed the proposed treatment of these windows is not supported and an alternative sought. As the request is to retain the details submitted this cannot be conditioned as that approach is not supported. Also noting the previous conversations in respect of these windows and that the consideration is on-going and noting the differences between the previous option and the enhanced option it is not considered that to	Request for more sympathetic approach to the windows repeated.	N

					condition these works would assist in the deliverability of the project as conditions that involve works not considered on the LBC or for methods or materials that would not be supported may not be discharged without further consideration		
		EnerPHit report HMAG-ART- XX-XX-RP-A- 65810 P01 S4	Detail 2		Detail 2 is noted where the windows are expressed within the room. The proposed secondary glazing would be placed in front of the windows, and due to the IWV would have a greater relationship to the IWV than the existing window. Whilst noting that the bull nose cill will be retained, the secondary glazing will obscure the windows to a degree that would severely harm their legibility. The size of the windows is noted as is the horizontal feature in the glazing bar that coincides with the ornate stone transom. The proposed enhanced proposals would involve the secondary glazing coming from the IWV below in front of the window, and obscuring all details of the window including the ornate bull nose cill. Effectively resulting in a new wall and window on		

					the interior and historic wall and window on the exterior. The request for a similar treatment to the Broad Street frontage is again requested for this wall and windows.		
3.1 (l)	Clarification as to the outcome of the skirting boards	Agent Comments in Tracker	(as 3.1g) The large timber skirtings are only present in very small areas, and those that are there are very damaged so they key driver for new skirtings is a high quality and consistent aesthetic. Internal wall insulation doesn't impact to much on this area. Square profile hardwood skirting has been proposed as a high quality replacement but these could be painted softwood matching the historic profile if desired?	For discussion/ further review	The loss of historic fabric should be justified, and in this instance the condition and extent of the area of the skirting boards could be a consideration, however no details of their extent or condition has been provided. Without justification for their loss a thinner IWI is again requested	Further information required	
3.1 (m)	An alternative to Corten Steel requested as the window infill	Agent Comments in Tracker	As identified, the corten has been proposed to tie in with oither new vertical elements, although we note these elements reading as windows, even if they continued to be blocked up so we could review a change to an obscure dark panel to read as window?	For discussion/ further review	Noted that the corten steel was to replicate vertical elements however a differentiation between a vertical wall and a vertical window is suggested as a more appropriate alternative . The consideration of alternative materials are welcomed.	Amended materials welcomed. As confirmation of other materials being considered a notwithstanding condition can be considered or confirmation of materials at this stage if preferred	Notwithstanding and without prejudice if material not previously agreed
		LBC additional information REF 10265	The use of Corten as a material was aiming to highlight the interventions as		The rationale is noted, however as the works are to historic windows a less		

			modern whilst being of a sympathetic colour palette and a material that has texture and has been used in various projects successfully. We still believe this is the best option, but can also proposed a glass window with black material behind to simulate the perception of a window with dark room behind.		modern intervention is considered more appropriate. Dark Glass noted as an option, and could be explored – further		
3.1 (n)	Consideration given to the restoration of the tracery window in N elevation	Agent Comments in Tracker for 3.1.(b)	This wall is located to align above an existing retained beam in the mezzanine below (A). The exhibition side of this wall will have a service ductwork bulkhead (B) which is replicated on both sides of the room to provide symmetry, the 2 beams in this space will contribute to this symmetry. The 3rd beam and pilaster will remain fully exposed in the adjoin rooms instead of trying to build a new wall directly under. See supporting information. Plan submitted	For discussion/ further review For discussion/ further review	I would refer to paragraphs 3.5.4 and 3.5.5 of the previous comments where the request to either open the tracery window OR relocate the wall slightly to expose the corbel in exhibition space 01 was made. Comments on window below in response to LBC additional information REF 10265 section 1.9 The location of the ducting next to the new wall is not ideal in that location and would compromise the architectural detail of the corbelling. Whilst noting the location of the existing non original beam, as a non supporting wall could the wall be set back to expose the corbelling in the public room and retain the beam. – see comments for window below.	Additional details required currently not supported.	

		<p>Agent Comments in Tracker for 3.1.(n)</p>	<p>LBC additional information REF 10265 section 1.9</p>		<p>The service ductwork bulkhead was not indicated on any previous plans, and as such was not given consideration at that time. Could the eastern service bulkhead be relocated to be sited within the non public rooms above the mezzanine ? details of the visual appearance of the bulkhead within this space would need to be submitted. However if the location is agreed, and the general design. materials this may be able to be conditioned. The relocation of the wall to expose the corbel – a significant architectural feature would mean relocating the wall by a small amount, and as such it is not considered that this would compromise the kitchenette to a degree to render it unworkable,</p> <p>I note the details for the re-glazing of the window. However given the floor level the reason for just glazing the upper section with the quatrefoils and not the whole section above the transom is not</p>		
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					readily understood. It would seem possible to relocate the wall and glaze the upper part of the tracery window which will enable light to enter the staff kitchen. However as the current proposal is for no light to the kitchenette, the balance would have to be on the exposure of the corbel to the public space.		
3.1 (o)	Paint details for stone mullions	Agent Comments in Tracker	We don't see why the paint could not be removed and stone finish restored.	For discussion/ further review	Restoration of original stone mullions welcomed. Details of the paint removal required or could be conditioned		Y
3.1 (p)	An alternative paint colour requested	Agent Comments in Tracker	Happy to review an alternative colour and for this to be conditioned. See supporting information.	For discussion/ further review	Alternative colour welcomed. As confirmation of other colour being considered a condition can be considered if preferred	However if amended elevation plans being prepared the reference to colour to be conditioned would be suggested as being annotated on the elevation drawings to avoid a condition	Y if not previously confirmed
		supporting information.	The render colour is discussed further on page 4		The use of a colour within the Hereford Design SPD is welcomed. The Supporting information suggests a stone colour, which would be supported as the area to be rendered lies beneath stone mullioned windows and the render would accentuate this architectural feature.		
3.1 (q)	Clarification to the reference to 6 vision panels in the coal shutes	Agent Comments in Tracker	These have been removed from the proposals. The Heritage Statement can be corrected to remove these.	For discussion/ further review	Clarification welcomed	Suggest that further plans details to omit this reference	

4. Woolhope Room							
4.1.1 (a)	Clarification of new beams joists	Agent Comments in Tracker	See supporting information, Section 1.11 onwards (Structural Info)	For discussion/ further review			
4.1.1(b)	Window seals location and type to be agreed by condition	Agent Comments in Tracker	Noted - to be conditioned	to be conditioned			Y
4.1.1 (c)	Repairs to balcony to be conditioned	Agent Comments in Tracker	Noted - to be conditioned	to be conditioned			Y
4.1.1 (d)	Details of venting to be conditioned	Agent Comments in Tracker	Noted - to be conditioned	to be conditioned			Y
5. Third Floor							
5.1. (a)	Clarification and details in respect of the vertical steel supports should be provided before this element can be considered	Agent Comments in Tracker	See supporting information, Section 1.11 onwards (Structural Info)		Steel details noted, and referenced throughout table on relevant sections		
5.1 (b)	Clarification in respect of the discrepancy between documents as to whether the ceiling will be retained or dismantled and re-erected and if	Agent Comments in Tracker	The plan is to retain this structure and if possible retain in-situ. The strategy for doing so will need to be confirmed as part of a temporary works assessment with the appointed contractor. Can this be conditioned?	For discussion/ further review	The plan to retain the ceiling structure is welcomed. However the methodology as to how that will be achieved will need to form part of this application, and the discrepancy between documents addressed. It is acknowledged that the finer details may change,	Further information required at this stage	N

	the later the methodology should accompany the application in order that this element can be considered.				however at this stage it would not be possible to leave all details until the appointment of a contractor as the details have to be considered prior to the works commencing, and further information as to how the ceiling can be retained with other works proposed would need to be submitted. However for the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application		
	HFM-BML-XX-ZZ-DR-S-0360 rev T02		Section 4 suggests current trusses to remain in part where visible.		This document is useful and when compared with DWG No 102-65-ART-XX-XX-DR-A-44200 - existing sections, seems to suggest that the visible trusses within the space may not support the roof, and as such would not be cut to accommodate the additional floor. Confirmation that this is the case would be required to establish the degree of historic fabric that is being lost.	Further clarification required.	
5.1 (c)	Clarification in respect of the internal wall insulation in Middle	Agent Comments in Tracker	Please see the EnerPHit Overview Document included in the supporting information. The document sets out the procedures to be followed at	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the	Further information required at this stage	N

	<p>Exhibition Hall/Museum are required. The IW1 in Exhibition 4 (003) clarification is required in respect of the trusses which appear to have the same dimensions on both Section F-F XX-XX-Dr-A-45525 rev P01 and Section D-D XX-XX-DR-A-45515, whereas section F-F indicates the vertical steel supports adjacent to the existing wall. Clarification as to the proposed works to the trusses are required, as Section D-D XX-XX-DR-A-45515 indicates that</p>		<p>RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.</p>		<p>listed building consent application</p>		
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	<p>the timber trusses are to be supported and protected throughout the works which is welcomed, however the Structural Engineer is to confirm new fixings and support system to Delta beam construction. These details are required in order that this element can be considered.</p>						
	<p>Clarification in respect of proposed works to trusses as discrepancy between plans. details are required in order that this element can be considered</p>	<p>Agent Comments in Tracker</p>	<p>Please see the EnerPHit Overview Document included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.</p>	<p>Request to be conditioned</p>	<p>For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application</p>	<p>Further information required at this stage</p>	<p>N</p>
<p>5.1 (d)</p>	<p>Clarification in respect of the corncing and if the 100mm IWI is indicative as it will be behind</p>	<p>Agent Comments in Tracker</p>	<p>Please see the EnerPHit Overview Document included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry</p>	<p>Request to be conditioned</p>	<p>For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application</p>	<p>Further information required at this stage</p>	<p>N</p>

	existing hardboard.		out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.					
275	5.1 (e)	Clarification discrepancy between plans in respect of IWI on south walls of Third Floor exhibition Room	Agent Comments in Tracker	Please see HMAG-ART-XX-XX-RP-A-65810_EnerPHit Overview-S4-P01 included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application	Further information required at this stage	N
	5.1 (f)	Clarification discrepancy between plans in respect of IWI Third Floor Exhibition	Agent Comments in Tracker	Please see HMAG-ART-XX-XX-RP-A-65810_EnerPHit Overview-S4-P01 included in the supporting information. The document sets out the procedures to be followed at RIBA Stage 4 detailed design where the opportunity to carry out additional sampling and obtain the information required to finalise the details will be possible. We therefore request that all internal wall insulation and window details solutions are conditioned.	Request to be conditioned	For the reasons identified in 3.1 (d) these details cannot be conditioned as they are fundamental to the consideration of the listed building consent application	Further information required at this stage	N
	6. Fourth Floor							

6.1 (a)	Clarification and details in respect of the vertical steel supports and new floor in the 1874 section of the building, should be provided before this element can be considered.	Agent Comments in Tracker	See supporting information, Section 1.11 onwards (Structural Info)	For discussion/ further review			
6.1 (b)	Slimmer IWI on the three Broad Street rooms and the retention of the cornice, architrave and picture rail, and the reuse of the skirting boards	Agent Comments in Tracker	Clarification required. Conditioning detail SD10 in the EnerPHit report (Sketch Detail) would be welcomed. See supporting information. HMAG-ART-XX-XX-RP-A-65810_EnerPHit Overview-S4-P01.	For discussion/ further review			

6.1 (c)	Consideration of the retention of the staircase to the librarians quarters. As this is a substantial loss to the significance of the building	Agent Comments in Tracker	The remodelling of this part of the building is critical to provide sufficient vertical circulation to provide adequate wheelchair access and also fire escape from the building and to bring back in to use the upper floors. At an early stage an alternative option to extend the historic stair to serve all floors was discounted following discussions with the conservation officer (Nick Joyce) and Historic England (Dr. Sarah Lewis) who both noted in pre-app feedback that the secondary stair has less significance and is potentially dispensable if needed to facilitate suitable access.	For discussion/ further review	Pre-application discussions noted, however all Listed Building Consent applications are a balancing exercise between the works to a listed building and the public benefits of the works. It is noted that the previous advice was provided at an early stage. However since then the project has moved on and the extent of the works changed significantly.		
		LBC additional information REF 10265	Page 3 provides further information in respect of the levels		The loss of the staircase is regrettable, and the need for a safe access and a lift is acknowledged. The additional information clarifies why the lift is so positioned and its loss is regrettable, however based on the additional information, the loss of the historic staircase is now not opposed.	Previous objection withdrawn	
6.1 (d)	Re-consideration of the size and design of	Agent Comments in Tracker	It is not clear to us how this is not in line with national policy or local plan policies LD1 and LD4. The draft Hereford	For discussion/ further review	The concerns previous raised remain. The size of the window is of concern being not consistent with	Request for amendments repeated as stairwell window	

	the window to the stairwell		<p>Design Guide does include the one line that Georgian principles set out a clear hierarchy of windows with larger on the ground floor and smaller above, however this is typically more in relation to smaller scale residential type buildings, in contrast civic buildings such as typically demonstrate larger windows at upper levels. In relation to the roof design, Historic England commented in pre-application advise that 'In developing the proposals it will be important to ensure that the new roofscape complements the character and quality of historic roofs without apologising for its intervention'. We feel that this represents an appropriate design approach for the building and celebrates the museums connection with the cathedral and providing this view from a stairwell provides this connection for all users of the building emerging at each upper level.</p>	<p>any other window of traditional buildings in this sensitive location. The impact of this feature when viewed from the cathedral grounds would be out of keeping with the fenestration size and rhythm of the Broad Street elevation of the Museum, which will be viewed alongside this window with feature hood from the Cathedral. Whilst appreciating that a view of Cathedral is important to the visitors to the Museum, conversely elements of the current Museum are visible from the Cathedral grounds, and the stairwell window so proposed would be a discordant and overdominant feature of the new works to the museum whilst viewed from the Cathedral grounds. Whilst the desire for views of the cathedral are duly acknowledged, it is also noted that the utilisation of the upper floors of the exiting museum will enable views of the Cathedral, in addition to the new floors being proposed to the museum and the viewing terrace. Therefore the request to limit the size of the stairwell window is repeated.</p>	not considered appropriate	
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<p>6.1 (e)</p>	<p>Reconsideration of the heads of the venetian gothic windows</p>	<p>Agent Comments in Tracker</p>	<p>As part of the pre-app process various options were progressed for the upper level and roof details and this approach well received, including from Historic England who contributed that 'In terms of the draft design we are persuaded that, subject to materials and detailed design, the reinterpretation of Venetian Gothic fenestration could be successful in delivering an active and modelled roofscape that would contribute positively to the conservation area' - as a result this has been progressed as the preferred option for some time now. It is not clear to us how this is not in line with national policy or local plan policies LD1 and LD4.</p>	<p>For discussion/ further review</p>	<p>This suggestion was made on the mis-assumption that it was the size of windows that was required as opposed to the design. Whilst it is acknowledged that the Broad Street elevation has venetian gothic fenestration indicative of the period of construction, the subsequent extensions to the museum did not. However it is also recognised that venetian gothic windows were not generally of size of the window being proposed. As such clarification would be useful as to the size of venetian gothic windows originally considered at early stages, as the size of the windows on the roof extension is in marked contrast to the existing venetian gothic windows of the Museum. As such the local character and distinctiveness is not being protected, conserved or enhanced by the window size and design and as such would not be considered to comply with LD1 and LD4. However the size of</p>	<p>Amended window designs are again requested to limit the impact when viewed from King Street as per Figure 8 previously issued.</p>	
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					<p>the four centred arch on the windows below are noted, as is their lower height above ground level. The elevations will be viewed from both the Cathedral grounds and King Street. From the Cathedral grounds the lower windows of this section of the museum are not visible. However they are from Aubrey Street where the venetian windows would appear over sized and top heavy in comparison to the large four centred arch below, in addition leading to a conflict in arch designs. However the greatest significance will be the view from King Street, I would refer to figure 8 of my previous comments that illustrate the impact of the oversized venetian arches would have when viewed above the roofscape of listed buildings. The roof would be a dominant feature above the listed buildings and would have an impact on their setting by their size and design as such would not comply with policy LD1 and LD4. Amended window designs are again requested to limit the impact when viewed from King Street as per Figure 8 previously</p>	
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					issued. Therefore the request was made to try to mitigate the impact of the proposal on King Street and to marry up the arches on this elevation. However if venetian gothic is the preferred design for a roofscape, this could be explored further, however the size of the windows indicated would not be supported as venetian gothic and a higher number of much smaller windows with the same proportions at the Broad Street elevation, could be explored further. If venetian gothic is sought.		
7. Fifth Floor							
7.1 (a)	Details of the steel support to this floor	Agent Comments in Tracker	See supporting information, Section 1.11 onwards (Structural Info).	For discussion/ further review			
7.1 (b)	Details of soil pipes if internal or external	Agent Comments in Tracker	To be conditioned, see supporting information however further detailed design is required to ensure that the routes proposed at present can be achieved.	Request to be conditioned		Some clarification required, but the principle of external siting on the northern elevation not opposed.	Y if external only
		LBC additional information REF 10265	The drawing on drainage Clarification 1.3 indicates that there will be one soil pipe on the northern elevation and 4 RWP.		The siting on the northern elevation is welcomed as it is the less public elevation. The location of the RWP directly adjacent to the tracery window is		

					<p>noted but is not desirable, would there be scope for relocating one or ideally both RWP further away from the window to the more blank elevation to the western side.</p> <p>However noting the location of the toilets it assumes a degree of SWP running internally. If this is the case this should be shown on the floor plans. However should an additional SWP be required on the north elevation this elevation for those services is supported.</p>		
7.1 (c)	Clarification of the height of the lift shafts	Agent Comments in Tracker	The lift shafts are shown accurately allowing for lift manufacturers clearance at the head of the lift, roof structure, build ups and parapet. Levels have been added to drawings. Please see supporting information, Section 1.10	For discussion/ further review			
		LBC additional information REF 10265	It is noted that 1.10 indicates the height of the rear lift will be 18428, and the public lift will be 17828		The public lift at a height of 17828 is lower than the existing chimney height at 18641 and is noted. The clarification in respect of the height of the rear lift shaft is noted		
7.1 (d)	The treatment of the Aubrey Street elevation to be reconsidered to be more	Agent Comments in Tracker	The language that has been developed is for new vertical elements to be expressed in corten cladding, this also allows a neat junction between the vertical and mansard pitch that would not be easily achieved with slate	For discussion/ further review	The opportunity to review for a more cohesive approach in terms of materials given the simplicity of the current elevation is welcomed.	For further discussion/ review	

	cohesive in terms of materials and pitch. Given the prominence of the Aubrey Street elevation, and the uncomfortable juncture between the corten steel lift shaft covering and the slate walls, an alternative treatment for this elevation is sought.		to slate relationship. We can review potential but have been through this design in quite a bit of detail during the design development process and our opinion is that this is what works most effectively without increasing the height of this element further.				
7.1 (e)	Consideration of the windows on the south elevation to represent arches below	Agent Comments in Tracker	See comments above (6.1.1e)	For discussion/ further review	Comments made in 6.1.1 (e)	Amended window designs are again requested to limit the impact when viewed from King Street as per Figure 8 previously issued.	
7.1 (f)	Requested changes to design of stairwell window	Agent Comments in Tracker	See comments above (6.1.1d)	For discussion/ further review	Comments made in 6.1.1 (d)	Request for amendments repeated as stairwell window not considered appropriate	
7.1 (g)	Details of the pv panels –	Agent Comments in	Noted - to be conditioned				Y

	could be conditioned	Tracker					
7.1 (h)	Materials with particular attention to the brickwork – could be conditioned	Agent Comments in Tracker	Noted - to be conditioned				Y
Comments on new information							
A1.		HFM-BML-XX-01-DR-S-0102 – T03	Tender Drawing Ground Floor Plan First Floor Structure above Balustrade strengthening / extension required, exact details and design TBC by Specialist Sub-contractor		Works to the primary staircase has been included in this drawing not previously referenced	Information on the works to the staircase required as part of the LBC application	
A.2		HFM-BML-XX-01-DR-S-0102-T03 HFM-BML-XX-01-DR-S-0101-T03 LBC additional information REF 10265	Hellibar crack stitch inner and outer leaf at 450 c/c full height Structural Proposals section 1.14 There are numerous locations around the existing Library and Museum where there noticeable cracks formed in the existing masonry. • The below is a typical crack stitch repair detail by Helifix. It involves inserting bars within the mortar joints of the masonry along the crack, and then applying a new mortar joint to encapsulate		Stitching of cracking is often an accepted means of repair – subject to details. Full details of the extend of and method of stitching should accompany the application with areas illustrated on elevation plans	Full details required.	

			<p>the bars.</p> <ul style="list-style-type: none"> Contractors will be required to carry out repair works sympathetically with appropriate materials that will 'match' the existing in both appearance and property 				
A3		<p>HFM-BML-XX-ZZ-DR-S-0090 —Rev T02</p> <p>HFM-BML-XX-ZZ-DR-S-0090 —Rev T02</p>	<p>Demolitions Plan Sheet 1</p> <p>Demolitions Plan Sheet 2</p>		<p>These plans are useful in depicting the walls, stairs, and roof to be demolished, However It is suggested that this is coloured with 2 colourways to differentiate between historic fabric and modern features as the loss of historic weight is given greater significance than modern fabric, and some modern elements to be removed are welcomed. However not all historic fabric to be lost in recorded on these plans and it is acknowledged that other historic fabric is proposed for removal, excavation of the basement, potentially all plaster to external walls, ceilings, and such it would be useful if all the historic fabric to be removed was acknowledged in addition to the more modern mezzanine structures, stairs etc.</p>		

A4		HFM-BML- ZZ DR S 0095	Temporary Propping layout Important note: Sequencing of groundworks will be necessary to ensure adequate bearing to crash deck at basement / ground floor levels due to presence of 'Kings Ditch' known voids below rear basement slab and requirement to replace existing 'lightweight' suspended timber floor to central section		I note the temporary scaffolding around the Museum, and the note in respect of ground works. No objection from a listed building viewpoint, however the views of the planning archaeological advisor should be sought		

In respect of the application for listed building consent only , I duly acknowledge the complexity of the application, and that some of my previous requests for further information have been addressed, and many are identified as being for further discussion/review; items 2.1 (a), 2.1(c), 2.1(d) 2.1 (e), 3.1 (a), 3.1 (b), 3.1 (c), 3.1 (g), 3.1 (h), 3.1 (g), 3.1 9l), 3.1 (m), 3.1 (n), 3.1 (o), 5.1 (b), 6.1 (a), 6.1 (b), 6.1 (c) , 6.1 (d), 6.1 (e), 7.1 (a), 7.1 (c) , 7.1 (d), 7.1 (e) and 7.1 (f) and I would welcome the opportunity to review additional information and/or amended plans in respect of these details.

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Nonetheless, whilst there is general support for the refurbishment and retention of the use of the building as a Museum to celebrate the County's rich heritage, given the significance of this listed building, I have concerns that a high proportion of the details requested have not been provided with the recent further information received, and that the suggestion is that many details can be conditioned. A listed building consent application should contain sufficient information to make a decision in respect of the proposal based on the information provided, and any conditions utilised where further investigation which in itself would require listed building consent such as exposure of details, such as 2.1 (f) or where the principle details are approved and it is the finer details that are required for individual aspects that would not be at the heart of the consent, i.e 3.1 (j), 3.1 (p), 4.1 (b), 4.1 (c), and 4.1 (d). However in this instance I note that 2.1(b), 3.1 (d), 3.1 (e) 3.1 (f), 3.1 (k), 4.1 (a), 5.1 (c), 5.1 (d), 5.1(e), 5.1 (f) and 7.1 (b) are requested to be conditioned, however the principle of the works has not been fully detailed to a degree that support for the works can be given at this stage. As such it is not possible to condition these details as either there is insufficient information to make a favourable consideration or that the details provided are not supported.

As such these details are required at this stage in order to gain built heritage support for the works. I would remind you of paragraph 194 of National Planning Policy framework which advises that;

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. **The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance**".*

Policy SS6 of the Herefordshire Core Strategy requires that, “*Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and **based upon sufficient information to determine the effect upon each where they are relevant***;

- *landscape, townscape and local distinctiveness*
- *historic environment and heritage assets*

It is not considered that the necessary required level of information has been provided and where further information is required that has been detailed above.

I would also refer to Policy SD1 of the Herefordshire Core Strategy which requires that;

“...development proposals should incorporate the following requirements;

2. 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;

6. ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;”

It is not considered that the application current does provide sufficient information to confirm that the that **distinctive features of existing buildings** and their setting are safeguarded, and I would reference the table above for examples in that regard.

As such to comply with National Policies and the Core Strategy Policies the above information is again requested in order that the details of the proposal can be considered prior to determination.

I would also raise concerns that as a result of the less than substantial harm that has been identified to both the setting of listed buildings in the vicinity, the conservation area and the host listed building, suggestions previously made to mitigate or minimise that harm have not been explored. In addition to further information and clarification amendments to the design and detailing was previously requested, and whilst I note that they have been addressed in the additional details, they have not been resolved.

I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II* listed buildings, should be wholly exceptional.

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

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

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

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

This exercise was undertaken in the preparation of the previous comments and suggestions for mitigation measures to minimise harm to the host listed building and the wider city skyline and the setting of other listed buildings. I would again repeat these requests for mitigation to minimise the harm of the proposal for the reasons referenced in my previous comments.

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1. The roofscape of the city that is – the beacon tower and the windows on the southern elevation and the stairwell window, for the reasons identified in paragraphs 8.1.15 – 8.1.50, and 9.1 – 9.24 of my previous comments
2. The treatment of some internal walls and windows, with particular reference to the current pilasters and windows in the library, and potentially the IWI of the ground floor Broad Street elevation.

I note the additional information within the LBC additional information REF 10265 1.6. 1.7 and 1.8 in respect of the proposed location of the viewing Beacon and I am grateful that the relocation has been explored. It is regrettable that the longer viewpoints assessed in the setting assessment were also not explored further as the longer distance views from Victoria Bridge and indicated in my previous response in Figures 14 15 and 16 , and Photographs, 23 24 and 25. Whilst no firm conclusion appears to have been reached within the LBC additional information REF 10265, the consideration of the relocation and/or changes to the size/design of the viewing beacon is welcomed and it would appear from the short term views that the Beacon viewed to the north would have the lesser impact on the city skyline. It is noted that the impact on key view 3 would be greater in this location that the other options, however the impact on the other key viewpoint would be less. Whilst all views of the Cathedral are important, inevitably some views are more important than others, and it is considered that Key View 1, Key View 2, and Key View 6 are perhaps more significant than key view 3. However I acknowledge that the longer distance views have not been considered. As such I would welcome the opportunity to discuss the relocation of the Viewing Beacon moved to the North and the West further including the longer distant views.

The large gothic windows and stairwell window to the south elevation would create a building that would be over dominant when viewed from King Street and/or Cathedral Close as illustrated in figure 8 and photograph 18 of the previous comments. Amendments to limit their external visual appearance are again sought.

Amended plans in line with Step 4 of the Historic England Guidance mitigation - as detailed in section of the previous comments are again requested in order that the details of the application could be supported in built heritage terms taking into account relevant national policy, legislation and Herefordshire Core Strategy Policies.

Consultation response from: Debra Lewis
DATE RETURNED: 31/07/2023

230385/F Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.

230386/L Proposed renovation and adaptation of the existing Hereford Museum and Library to become a dedicated and enhanced facility for Herefordshire Museum Service and viable for the future. This would comprise a museum, education space, galleries, cafe, and staff facilities.

Summary of comments

230386/L

- i. **In its current form it is not possible to support the application in terms of the works to the fabric of the listed building and clarification and/or amendments are sought on several items as detailed in the full report.**
- ii. In summary the main concerns identified in respect of the listed building are;
 - The implications of the steelwork required to facilitate the additional floors has not been adequately addressed in the application in respect of the works required to the built fabric of the building. An assessment of the proposal and how it affects the listed building requires all the works proposed to the listed building to be identified in order that the works can be assessed. These details are required in order to consider the proposed steelwork as part of this application.
 - The Insulation details proposed and how they would affect features of architectural interest.
 - Some discrepancies between plans.
 - Some design changes especially the southern elevation.
- iii. The listed building consent application considers the works to the built fabric of the listed building, with the consideration of the proposal on the setting of other designated assets including the conservation area considered within the accompanying planning application 230385/F.
- iv. There is general support in principle for the renovation and expansion of the facilities currently offered by the museum to continue the use of this listed building as a museum serving the county.
- v. The degree of documentation that has accompanied the application is duly acknowledged and necessary given the constraints and designations affected by the proposal. However it is noted that reports have been prepared by different people whilst the scheme was evolving and noting that the scheme is subject to external funding in part, it is assumed that these are subject to time constraints which has been a consideration in the submission of the application. However this has led to some reports conflicting with other documentation, for example the roller shutter doors in the foyer being described as sliding doors in other documents, which require clarification. However the most obvious omission from the listed building consent application is the fact that the structural report dealing with the foundations and the steel supports and the information within appears to have been worked up at the same time as the other documents, and as such does not appear to have been replicated within any reports relating to the fabric of the listed building. The works identified within the

structural report should have been included within the listed building consent application in relevant and sufficient detail.

- vi. A full methodology statement relating to how the works identified by the structural report are to be incorporated into the listed building should have been provided. In addition, whilst there are several demolition plans for every floor and elevation, it is also noted that the lime plaster is to be removed, historic glazing, ceilings and floors and all these historic elements to be removed should also have been clearly identified ideally on a single document. Whereas the plans were submitted by room in addition to the demolition plans and as such the full extent of the removal of historic fabric proposed has not been considered in a single document.
- vii. Whilst noting the proposed insulation, I am also aware of other applications that have been considered by the Local Planning Authority where insulation is considered to compromise the historic fabric of the building. In order to be fair and consistent with other applications that have been considered, clarification and amended details are again requested.
- viii. Whilst noting that the building is aimed to be passivhaus standard, which will aim to combat energy use and as such the wider considerations of climate change, which is obviously supported, a consideration in respect of the historic fabric and the embedded carbon that is being lost, and subsequent disposal, and the product environmental footprint (Life Cycle Assessment) of the new materials being introduced to the building is also a consideration on schemes of this size which was not readily identified in the application, but no doubt was considered as part of the considerations of retrofitting to passivhaus standard.

230385/F

- ix. **The proposal has been considered against NPPF and it cannot be concluded that the current proposal would not result in less than substantial harm to the setting of several listed buildings and the skyline and the conservation area. However taking into account the public benefits of enhanced facilities to a public museum, and policy HD2 of the Core Strategy, and the Draft Hereford Design Guide, amended plans are suggested as detailed in the full report to aid in the mitigation of the proposal.**
- x. In summary the main concerns are the height of the proposed extension especially the viewing beacon and the relative height of this structure on the city's skyline and how that impacts on the setting of listed buildings, taking into account our statutory duties, national policies and relevant guidance including the Hereford Design SPD.
- xi. The planning application considers the impact of the proposal on the setting of designated assets including adjacent listed buildings and the conservation area, the listed building consent application considers the works to the built fabric of the museum as a listed building, 230386/LF.
- xii. The building is a listed building adjacent to several other listed buildings and scheduled monuments prominently sited within the Central Conservation Area. In addition to the impact on the host listed building, the impact on the setting of other heritage designations is also a consideration and a statutory duty of the local authority under sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. This statutory duty is

absorbed into the national Planning Policy Framework and repeated in Core Strategy Policies.

- xiii. The Visual Impact Assessment has been considered, in addition to the Archaeology and Heritage Desk based Assessment, which concluded that the impacts in terms of setting will be slight/negligible or minor. The weight of the impact is not concurred with, nevertheless this is not the weighting within National Planning Policy Framework. Case Law on the subject concluded that only the three graduations of harm in NPPF apply in heritage terms and even limited or negligible harm amounted to less than substantial harm. The judgement clarifies that this level of harm is sufficient to engage the heritage paragraphs within the NPPF.
- xiv. It is noted that there will be other considerations in addition to heritage and matters such as overlooking from the new windows and roof terrace, noise or light pollution from the terrace will be addressed by others and as such I have not provided comments on those items at this stage. However these less tangible aspects also form part of the consideration of the non visual setting of heritage assets and require due consideration as exhibited in recent case law. *R. (on the application of Palmer) v Herefordshire Council*, [2017] 1 W.L.R. 411 (2016).

Full Consultation Response

1.1 Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.
Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.
National Planning Policy Framework
Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

- 1.2 The proposals are for internal works to the listed building which would require listed building consent only, and for external works that would require both listed building consent and planning permission.

230386/L

- 1.3 The building is prominently sited within the Hereford Central Conservation Area, which contains a high number of listed buildings, and is listed UID 1280595 included on the statutory list on 22 October 1973. The list description describes the building as *Art Gallery and Museum. c1874, by FR Kempson. Coursed dressed stone with ashlar dressings; hipped Welsh slate roof; brick end stacks. EXTERIOR: 3 storeys, attic and cellar; 7-window range: plain lights with trefoil heads, grouped 2/3/2, with moulded pointed arches, enriched capitals and frieze, and central balcony; similar fenestration over, with enriched arches, and sillband; machicolated parapet with quartrefoils, and grotesques to coping; 3 large gable dormers with deep eaves on carved brackets; ornamental ridge tiles. Arcade of 5 pointed arches with wrought-iron gate to central entrance; enriched capitals and architrave; figures and arms over. INTERIOR: C19 Empire staircase with wrought-iron balusters to 1st floor; C19 dogleg staircase with stick balusters from 1st floor. Attic: 4-panel door. 2nd floor: 4-panel doors; fireplace; ceiling cornice. 1st floor (Woolhope Room): 2 fireplaces; cornice and 2 roses.*

<https://historicensland.org.uk/listing/the-list/list-entry/1280595?section=official-list-entry>

- 1.4 The building was part of a larger philanthropic movement in the late C19th aided by legislation including the Museum Act 1845, closely followed by The Public Libraries Act 1850. <https://historicensland.org.uk/images-books/publications/iha-english-public-library-1850-1939/heaq135-the-english-public-library-1850-1939-iha/>
- 1.5 The early library had accommodation on the top floor for the librarian who lived on site, the success of the library required an extension to the rear, in 1912. However it is noted that the original design for the rear elevation with fenestration to resemble a chapel was never completed.
- 1.6 The proposed changes to the interior of the library are as below;

2 Basement

2.1 Basement - Summary of Areas for Clarification/Amended Plans/Items to be conditioned

- a) Full details of the new steelwork are required before that this detail can be considered.
- b) Internal wall insulation details of the basement
- c) Clarification in respect of the strong room door
- d) Clarification in respect of the external stone string course.
- e) Clarification in respect of the tanking of the cellar.
- f) Confirmation as to the age and interest of the front cellar, and potentially after the removal of some plasterwork. A flexible condition to be imposed to permit changes to the cellar should any walls of archaeological or historic merit be found once the inspection of the walls can be undertaken.
- g) A condition in respect of the reuse of the existing bricks to block up the existing rear pedestrian door.

2.2 The current basement is not available for the public and contains at the front element of the building (Broad Street 1874), stairs from the ground floor and 8/9 small rooms, and arched vaults below the pavement. The central section is not indicated as not readily accessible and the rear section onto Aubrey Street (1912) is essentially 2 rooms with access stairs from the library, a lift shaft, access onto Aubrey Street and stairs from the ground floor onto Aubrey Street.

2.3 The proposed plans would remove several walls at the front of the building to form, a plant room, storage room, refuse store and lobby, and a lift.

2.4 I note the proposed demolition sections XX-XX-DR--A-12220, however, note that the floor is attributed to circa 1874 (front) and 1912 (rear) and are not identified as being removed on the plans Basement demolition plan XX-XX-B1-DR-A-11102 Rev P03 which indicates the walls to be demolished. However the Conservation Management Plan Border Archaeology received 23/03/2023, has incorporated the previous Conservation Management Plan from I understand 2013 prepared by John Somer with the basement considered by room;

- Asset No 3 – Front basement Storeroom 1- Significance High – Capacity for change moderate
- Asset No 4 –basement Storeroom 2 - Significance High – Capacity for change moderate
- Asset No 5 – Library Book Store - Significance High – Capacity for change moderate

- Asset No 6 Museum Art Strong Room - Significance High – Capacity for change moderate
- Asset No 7 Museum Art Strong Room - Significance High – Capacity for change moderate

2.5 The Conservation Management Plan(s) identifies the historic fabric, with the walls and spaces unchanged since the original construction (1874) identified in Asset numbers 3, 4 and 5, the floor is referenced in asset 3 as good condition but unkempt, with concrete floor in Asset 4. Asset 6 as a strong room is entered through a cast iron door, with the significance of this room coming from the original layout and original features including the strong room door and asset 7 having original walls and spaces (1912), both of which have a concrete floor. This conflicts with the demolition sections XX-XX-DR--A-12220, which attributes the floor also to 1912. The proposed basement plan XX-XX-B1_DR-A-41100 Rev P04, suggests that the strong room door will be retained, however this is not confirmed.

2.6 One of the original walls is to be removed (between proposed office and stairwell), and reconstructed in close proximity, no justification for the relocation by such a small amount, and why the original wall cannot be retained has been provided. The plans indicate that 150mm of internal wall insulation will be provided, but no details of what that insulation will be.

2.7 The demolition plans do not include the works to the floor. The Conservation Management Plan confirms in section 11.2.2 that the existing floor in the rear basement is to be removed and replaced with reinforced concrete supported on rows piles, with excavation for the 2 lifts. The basement Foundation Plan prepared by Barnsley Marshall in figure 29 of The Conservation Management Plan identifies 10 structural supports. The cross section B-B appears to be immediately north of the structures on in figure 29 and does not identify those structures. Similarly section C-C- appears to be between 2 of these structures on the southern wall, however are not identified in the cross sections, and Figure 2 in the Structural report indicates that these supports will be the entire height of the building, however are not shown on floor plans. Section D-D does indicate the new pile foundations on the southern wall, and 2 other pile foundations that appear to stop at the ground floor, however this is a part cross section. Section E-E is not clear as the line indicating the cross section appears to be drawn through the northern wall, however the details are of the southern wall. Section F-F appears to be through the northern wall in an area which appear to be relatively untouched when looking at the northern elevations, however a grey line in on the sectional drawings adjacent to the existing brick wall. This feature has not been identified on the cross section or the floor plans, but when referenced to Figure 2 in the Structural report indicates that these steel supports will be the entire height of the building.

2.8 There will be 2 lifts in the basement, a service lift at the rear, and a visitor lift in the stairwell of the 1874 front range. Both of which will require works below basement floor level, however the removal of floors is not indicated on the demolition plan, nor original plaster nor ceilings.

2.9 As such it is not clear from the submission the full extent of the works to the cellar floor which should have been provided. In addition the steelwork appears to continue through the building but are not included on floor plans, and should be considered as part of the listed building consent application. Further information is required in this regard.

2.10 Externally the rear section will retain one of the larger rooms, but subdivide the other to provide a workshop and storage, and a wc will be formed for those working in this area. The stairway to the upper floors will be enlarged, as will the service lift, which will have new doorway location onto Aubrey Street, and the existing central service doorway onto Aubrey Street will be replaced with glazing to form a window to an office.

2.11 Ideally the new doorway from the pedestrian access would be centralised below the window above to retain some symmetry, however noting the difference in ground levels, the location of the

new doorway is understood. The original elevation appeared to have 3 relieving arches, with the central higher arch forming the access to the basement. One arch will be lost by the formation of the lift doors, and the other archway has already been compromised by the existing pedestrian doorway. Should the application be determined favourably to avoid the infilling of the former doorway in bricks that would be difficult to match, it is requested that consideration be given to the re-use of the bricks removed in the formation of the lift opening and new pedestrian doorway to infill the former pedestrian doorway. However clarification is sought in respect of the stone string course. The existing plans suggest that the doorway is sited below the existing stone string course, and that the new doorway will follow suit. However when the former door was inserted the stone string course was removed and replaced with slip of concrete presumably to hide the supporting beam. The plans do not indicate if an element of the stone string course will be removed to form the new doorway. Ideally the new door would sit below the existing stone string course and the concrete above the existing doorway be replaced with stone detailing to match. However if this is not possible due to height restrictions, then the stonework above the proposed doorway be reused to infill the length previously removed with any shortfall to match and details of the stone string course should be submitted. I would however refer to the Conservation Management Plan which identifies this elevation as Asset number 2, of high significance with capacity for change low, with the risk/recommendation that *“Any alteration/ extension to this façade would severely affect its significance”, a conservation approach is needed.* The current proposals appear to be seeking changes to this elevation which would be contrary to the previous Conservation Management Plan. This should be referenced against the recent Heritage Statement Revision February 2023, which considers the proposed works at basement level to be a major intervention with a slight/Moderate impact. I would not necessarily disagree with the conclusions of the recent Heritage Statement Revision February 2023, subject to the clarification in respect of reused bricks to infill openings and the stone string course. Nonetheless I note that the proposed works to the cellar floor in respect of the steelwork has not been included within the Heritage Statement Revision February 2023. Further information in this respect is required.

2.12 The earlier Conservation Management Plan indicates that the basement is proposed to be tanked, and its location below ground is noted. However the fact that it is/was used as a book store is also noted in figure 49 of the earlier Conservation Management Plan. The Design and Access Statement does not indicate the type of tanking proposed just that the walls will be insulated. This is referenced in the Heritage Statement Revision February 2023 where Internal Wall Insulation only is referenced. The consideration that the level of intervention would be major but the overall impact slight as the existing walls are largely retained where possible is not necessarily agreed with as the walls are not readily viewed being used for storage, and as such the interest that the walls contain is not yet known. In addition where the public rooms were plastered, the basement being a cellar may have had a different treatment reflecting its use. However the proposal would be for 150mm Internal Wall Insulation which will change the appearance of the walls to a significant degree. This is not necessarily to say that the change could not or should not occur as its location beneath the pavement is noted, merely that the changes should be considered based on the historic fabric of the building. It is noted that the current building replaced a former building that appears to have a Georgian exterior from the photograph circa 1860's (figure 6 Conservation Management Plan). It is likely given the proximity to the cathedral that this site was in early occupation at the Broad Street frontage, and this is indicated by John Speeds map of 1610. Hyperlink below <https://herefordshirehistory.org.uk/archive/herefordshire-historic-maps/hereford-maps/146580-plan-of-herford-city-from-speeds-map-1610>

2.13 The Archaeology and Heritage Desk based Assessment quite accurately references other buildings in the locality that have medieval cellars with more recent properties above ground. However the age of this cellar is not yet known, and assumed to be from the 1874 construction. Whilst this may be the case, this has not been confirmed presumably because of the lack of visibility in the front basement as a result of its use as storage and services has prohibited this assessment.

2.14 As such it would be regrettable if tanking/insulation of the basement were consented before the basement could be recorded, and should medieval fabric be found it should be recorded for the Historic Environment Record prior to it being lost. However should the basement at the front of the building be a good example of a medieval basement within Hereford ideally it should be retained in situ without tanking. It does not appear that this building was surveyed as part of Herefordshire Archaeology Report no 266 A Characterisation of This Historic Townscape of Central Hereford and as such no records of the age of the cellar are as yet known.

https://www.herefordshire.gov.uk/downloads/file/1640/historic_townscape_of_central_hereford_report_march_2010

2.15 It is acknowledged that this project has evolved over time and that numerous considerations and options have been discussed, and that the utilisation of the basement for public access was previously discounted as a result of the low ceiling heights. However as so much of the floor has to be removed for structural reasons, could the floor be lowered? The site is within a designated area of archaeological importance, (one of only 5 in the Country) and the below ground works will be considered by archaeologists on site and I duly note with interest the Archaeological and Heritage Desk Based assessment which details the known archaeology of the area. Whilst the observations in terms of the works to the built fabric have been detailed above, it is just an observation that if the cellar has to be excavated, and not all of the space is required for storage/acclimatisation, then have we missed an opportunity for exhibition space in the basement that being below ground would provide a unique opportunity for an exhibition illustrating the stratigraphic layers of the city and the archaeological layers of history below our feet. The lack of access between the front and rear cellar is of course noted and that there will still be the need for service rooms and such a unique view of the city may not be possible for practical reasons, however given the status of Hereford as an area of archaeological importance, an opportunity to celebrate our rich archaeological heritage within the city would be a welcome and interesting feature of the city, and tie in with the buildings history and its relationship with the Woolhope naturalists Field Club.

3. Ground Floor

3.1 Ground Floor Summary of Areas for Clarification/Amended Plans/Items to be conditioned

- a) Full details of the new steelwork are required before these works can be considered, and with particular reference to the steelwork in the current library and the relationship with the existing pilasters.
- b) Relocation of the new wall to express the pilasters or a cross section illustrating how the pilasters are to be incorporated into the wall at a scale not less than 1:10
- c) The Conservation Management Plan identifies that the walls in the foyer are load bearing, however it is proposed to remove 2 large sections of walls, whilst retaining the upper parts of the wall, no details as to how that will be achieved has been submitted. It is assumed that a RSG or similar is required to span the opening created. Full details including elevational details of these walls and the necessary works to create the width of openings proposed should be provided before this element can be considered.
- d) Clarification of IWI around windows and pilasters in the current library and further consideration of the IWI in this room in respect to the expression of the pilasters.

- e) The internal wall insulation is noted, on Heritage plans Ground Floor Entrance Area, XX-00-DR-A-16000 rev P02, however how that relates to the corncing has not been detailed. The photograph on XX-00-DR-A-16000 rev P02 is of a cornice above suspended ceiling to be removed, however the removal of the suspended ceiling to restore the original height and the relationship with the windows would be welcomed, however the internal wall insulation on the side elevations would be 40mm, and the relationship with the cornice should be detailed, and 100mm IWI is proposed on the front elevation, however the walls are actually quite minimal around the windows. A detailed plan indicated how the IWI will be addressed in the window reveals should be submitted as XX-00-DR-A-16000 rev P02 seems to suggest that the 100mm IWI will continue on the window reveals which will obscure a high proportion of the window frame and a substantially slimmer IWI if required is suggested such as aerogel for the internal front wall.
- f) A detailed plan indicated how the IWI will be addressed in the window reveals should be submitted as XX-00-DR-A-16000 rev P02 seems to suggest that the 100mm IWI will continue on the window reveals which will obscure a high proportion of the window frame and a substantially slimmer IWI if required is suggested such as aerogel for the internal front wall.
- g) The large timber skirting boards identified in the Conservation Management Plan appear to be lost and replaced with new hardwood square profile skirting as identified on the proposed floor finishes 1 of 2 XX-XX-DR-A-15100 rev P02. The rationale for the loss of the skirting boards appears to be the IWI, however a slimmer IWI could retain the skirting boards or they could be re-used. Further information is required in this detail.
- h) Clarification why the existing plaster cannot be retained
- i) An alternative to the roller shutter Door IDT09 on Internal Door Assemblies XX-DR-A-27601, and consideration of more wall retained.
- j) Clarification that the existing windows not to be removed are to be retained in their current condition and in particular further information in respect of the lancet window on the stairwell.
- k) Fineo 12 vaccum insulated glazing suggested as an alternative to the secondary glazing being proposed in the current library which would obscure architectural detailing.
- l) Clarification in respect of the large timber skirting boards identified in the Conservation Management Plan
- m) Clarification as to the treatment of the infilling of the 2 windows – an alternative colour to the Corten steel is suggested.
- n) Consideration to be given to the restoration of the tracery window to the north elevation to enhance the building in accordance with CS policy LD4
- o) Details of the paint to be used on the stone mullions – could be conditioned or ideally removed and original stone finish restored.
- p) An alternative paint colour for the render is requested ideally a stone colour – however could be conditioned.
- q) The Heritage Statement Revision February 2023 references the insertion of 6 vision panels to below ground coal shutes, whilst noting that the details continue to be developed, these works do not appear to be referenced within the application.

3.2 The ground floor is currently and will continue to be divided into distinct areas all requiring different considerations.

3.3 Ground Floor Entrance Hall.

3.3.1 This area fronting Broad Street is the original part of the building and was originally designed as 2 rooms (originally retail) around a central entrance and vestibule, was previously

classrooms and over time the southern room became the ladies reading room. However these rooms have subsequently been utilised as smaller non public rooms, with the front windows becoming window displays in 1955, which whilst providing exhibition space at pavement level, it has in affect created a street frontage that appears non-active and in some respects uninviting.

3.3.2 The Conservation Management Plan identifies this area as;

- Asset number 8 Library Admin, Significance Very High – capacity for change Low
- Asset number 9 Main Entrance arcade - Significance Very High – capacity for change Low
- Asset number 10 staff cloak room and disabled wc - Significance Very High – capacity for change Moderate.

3.3.3 It is noted that this was previously considered in the former Conservation Management Plan to have a low capacity for change. The change in the capacity for change assessment between the 2 documents is not readily apparent, however assumed to be as a result of works undertaken in the formation of wc's between the earlier Conservation Management Plan and the more recent document. It would have been useful for the change in assessment to have been clarified for the avoidance of doubt.

3.3.4 However it is noted that the original Conservation Management Plan identified that the original walls to the former classrooms should be preserved in any future works, and the current Conservation Management Plan identifies that *“The foyer is in its original configuration and any modifications without a conservation approach will have an effect on the significance of the foyer in relation to the building”*. Nonetheless it is now proposed to remove them at ground level and retain the higher level. The Conservation Management Plan then confirms that *“the existing walls beside the entrance lobby have been retained, with new sliding partitions proposed to allow flexibility and the option of separating the spaces”*. It is not agreed that the walls have been retained, as large openings are proposed, and acknowledging the proposed sliding partitions identified in the Conservation Management Plan, when open the spaces will be greatly different from the original and current layout. Perhaps the openings could be reduced in size to illustrate more upstanding walls either side of the proposed openings. In addition as the walls are load bearing it is assumed that there will be requirement for a RSG or similar, these works should have accompanied the listed building consent application.

3.3.5 In addition there appears to be a discrepancy between proposed ground floor plan XX-00-DR-A-41110 Rev P02, which indicates that roller shutter screens are proposed on the new openings created, and drawing XX-00-DR-A 16000 rev P02, Heritage Plans Ground Floor Entrance which indicate that there will be sliding screens to divide spaces when required. I note the Internal Door type IDT09 on Internal Door Assemblies XX-DR-A-27601, which indicates a standard roller shutter door. **The introduction of roller shutter screens is not readily supported**, and whilst the desire for flexibility is understood, the separation of spaces within a listed building with roller shutters, which also would be visible from the pavement is not supported. Such a feature would not be considered to comply with Core Strategy Policy LD4 which seeks to protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance, and as such an alternative separation is required, such as glass doors/ screens or bifold doors, or bespoke gates. An alternative method of separating the spaces is therefore required.

3.3.6 I note that the existing parquet floor currently covered with carpet is to be refinished and restored, which is welcomed.

3.3.7 Externally the proposal would remove the modern railings and reintroduce glazing that allows views into the building, which is welcomed as this creates a street frontage with more interest than currently and it is noted that the reception desk also suggests an element of retail which would be desirable on the street frontage. However the proposal would also remove some original walls

which is not ideal, but in many respects the public benefits to form an active street frontage would outweigh concerns in respect of the loss of the walls. However it is not clear what the southern room will be, as it is annotated as orientation exhibition but also houses lockers. Whilst acknowledging that this is an application for works to the built fabric of the building and that exhibition space/size and design will inevitably change over time to accommodate new exhibitions, it is hoped that this room will have an element of associated retail or exhibition space to create the active frontage and warrant the removal of historic fabric, previously identified in the Conservation Management Plan as to be preserved.

3.3.8 The benefits to the street frontage by the loss of the display panels and opening up the street frontage is welcomed, however this benefit has to be outweighed against a dead street frontage and the prominence of roller shutters to this listed building. An alternative to the roller shutters is sought and some clarification in regard to the street frontage rooms that hopefully will not just be locker storage.

3.4 Stairwell

3.4.1 The stairwell is of interest as it provided a larger public staircase to the upper floor, and a secondary smaller staircase to the librarians accommodation on the top floors, with an obvious difference in size, scale and prominence of each staircase. The proposals include the removal of the suspended ceiling to restore the original height and the exposure and reinstatement of a lancet window on the side elevation which is currently hidden from view. The re-instatement of this space to close to its original proportions and the opening of the blocked up lancet window is supported and would be considered to be an enhancement to this section of the building. I reference XX-XX-DR-A-22600 Proposed and retained window schedule that this is indicated as an existing window. I note the photograph on figure 56 of the Conservation Management Plan which suggests it was a sliding sash. The details on Window Types drawing 2 of 2 XX-XX-Dr-A-22611 Rev P02, indicate that it is a fixed window, however, the drawings are of a scale that requires further information plus a cross section through the windows at an appropriate scale and details of the material. For clarification if no work except secondary glazing is required for the existing windows to be retained as detailed on the proposed and retained Window Schedule XX-DR-A-22600 this should be specified.

3.4.2 It is noted that the Conservation Management Plan Border Archaeology received 23/03/2023 identifies that the significance of this area is very High and the capacity for change very low, however the proposal are for the removal of a modern suspended ceiling which is supported, and the exposure of a previous window, which again is supported. The reinstatement of the parquet floor is welcomed.

3.5 Exhibition 01.

3.5.1 The doorway leads directly off the stairwell and it is proposed to widen the doorway

3.5.2 This is currently a single height room, which was formerly a 2 storey room, which had a floor inserted and has been used as storage in recent times, which has obscured the ornate corbelling from public view. The proposal would remove the inserted floor over half of the room allowing the original 2 storey structure to be viewed, with a mezzanine over the remainder of the room. The loss of the current modern stairway is beneficial and enables a more discrete location for the new stairs to be sought.

3.5.3 The Internal Wall insulation would remove the existing plaster, which appears to have been compromised by previous works and repairs and whilst the removal of historic lime plaster cannot

be justified, the previous alterations and repairs in this room are noted and no objection is raised to the proposed internal wall insulation which is to stop below the corncing. However, Proposed Ground Floor – XX-00-DR-A-41110 rev P02 indicates that the internal wall insulation will be 100,mm thick, whereas Heritage Plans Ground Floor Exhibition 1 XX-00-DR-A-16015 Rev P01 indicate that the lower external wall will be a total of 122.5mm thick, insulation and plaster however the upper wall would be insulated with a different material and should not exceed the depth of the architectural detailing. Clarification is sought in this regard as the 2 plans documents appear to differ in the approach to be taken . Details of the upper wall insulation is required, in addition to why the historic plaster needs to be removed, both on the upper wall and the lower wall.

3.5.4 Whilst there are benefits to the removal of the mezzanine on half this floor, it would have been preferable if possible for the whole room to be restored to its original proportions, however the need for staff rooms is duly acknowledged. Nonetheless it would have been desirable for the stone tracery window on the north to have been restored especially as it appears to service a staff kitchen and not an exhibition room which requires control of light entering the space. The elevational drawings indicate that corten steel is to be used to screen the window. Whilst noting the use of corten steel elsewhere on the building, if the window cannot be expressed in a different manner, then an alternative material to that used on walling would be suggested to differentiate a former window to a wall. Details of the works around the window – i.e will the steel (or similar) be behind the stonework, or within the stonework should have been submitted, at an appropriate scale. This item can be conditioned, however it would be useful to have some clarification at this stage as there are several options that are available and to ensure that we are considering what is being intended/proposed.

3.5.5 If the window cannot be reopened, could consideration be given to the relocation of the new wall to the breakout room 01-009, to be on the eastern side of the corbel to permit the viewing of the corbel from the exhibition room 00-012.

3.6 Exhibition 02

3.6.1 There are 2 doors into this room from the neighbouring exhibition space which are proposed to be changed to a large single door. This large 2 storey space is currently used as a library and has a modern mezzanine floor inserted. The proposal would remove the mezzanine floor restoring the 2 storey proportions, and the loss of the mezzanine is supported as the original proportions will be addressed in part of the room, however the proportions of the room will be compromised in terms of floor area as the ground floor area of the room would be reduced on the western area of the room to replace the service lift with a larger lift for exhibits and for a means of escape staircase from the upper floors. The central area between the lift and the stairs is accessible from this room and it is proposed to create 2 rooms in this area divided vertically, with part of the upper floor being open to the room below. The upper room appears to have a glazed wall to the main exhibition space, and a glass balustrade to the void, resulting in a very small non soundproofed flexible space being created, however it is assumed that this may be to permit the viewing of exhibits from a different higher angle which would be interesting.

3.6.2 Nonetheless the location of the proposed division is not considered to be appropriate with the new wall coming off the pilasters with corncing above. I note page 18 of the Heritage Statement which confirms that decorative corncing will be retained where possible, however would not consider that those are adequate details and the fate of the corncing is required at this stage of the consideration. In addition to the wall having to be scribed around the corncing, of the pilaster, the proportions around the windows to the south elevation will be compromised. It is noted that the existing door to the stairs will exit at the same point, however that had a mezzanine above so the pilaster was still expressed. A slight re-location of the new wall to on side of the pilaster or the other and ideally to the west is requested. Should the wall not be able to be relocated cross sections of

1:10 in both directions illustrating how the pilaster detail will be considered in the construction of the new wall should be submitted prior to determination of this detail. The impact on the pilasters should have accompanied the application in more detail, in order that the rationale for the precise location of the wall and the impact on the architectural features of the room be detailed and understood.

3.6.3 In addition clarification is sought as to the location of the new steel frame as referenced on page 7 of the Structural Report, which describes that “in order to accommodate the localized breaking out of existing floors at the rear of the building to accommodate the full height stairs and lift, a new steel frame has been introduced. This frame will provide both support for each floor level and trim the floor openings, but also provide necessary lateral stability to the existing gable masonry wall which will subsequently be unrestrained full height”. This steel frame is not readily apparent on the proposed floor plans or the Design and Access Statement, or Heritage Report for this floor. However the cross sections Section B-B-F XX-XX-DR-A-45505 Rev P01 has pale grey lines on the cross section, leading down below the basement with pile foundations, which appear to line up with the western pilaster. Full details of this steel work and its relationship with the pilasters is required. Figure 2 within the structural report suggests the proposed structural model, and seems to suggest extensive steelwork, that has not been included on the floor plans. Full details of the steel work proposed should have accompanied the listed building consent application as they are not included in the floor plans or exhibition view which suggests the retention of the pilasters, however figure 2 of the structural report suggest steelwork in front of the pilasters which is not indicated elsewhere in the application. Clarification in respect of the steelwork is required.

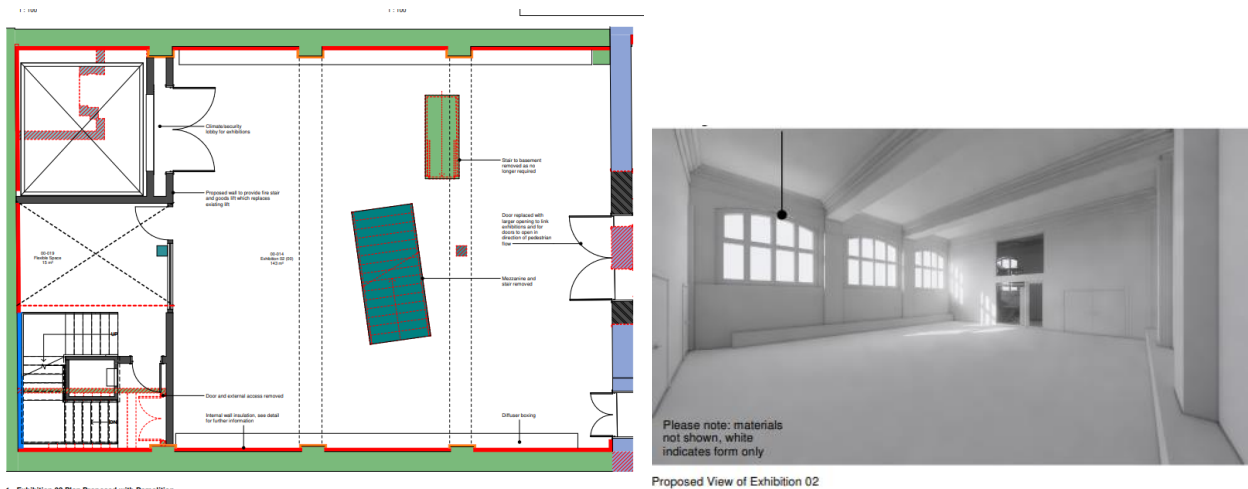


Figure 1 and Figure 2 Heritage Plans Ground Floor Exhibition 2 XX-00-DR-A-16020 Rev P01

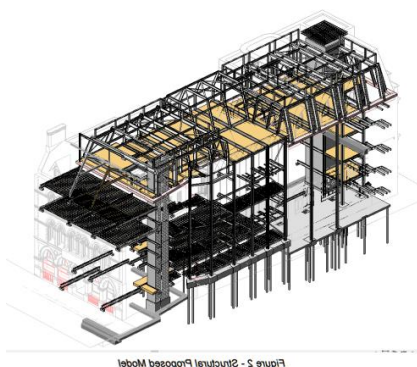


Figure 3 – reproduction of Figure 2 of the Structural report

3.6.4 The proposed view on of exhibition 2 on Heritage Plans Ground Floor Exhibition 2 XX-00-DR-A-16020 Rev P01 indicates the pilasters on the northern elevation, however it is not considered that this degree of pilaster will be expressed by the use of 100 or 122.5mm. The Internal Wall Insulation is noted and not readily accepted in that the insulation would minimise the visual prominence of the pilasters which are a key feature in the design. It would be preferable for the IWI to not butt against the pilasters thereby retaining the original depth of the pilasters, and presenting “feature” insulation panel to display paintings and exhibits with the area between the pilasters and the pilasters themselves to have a slimmer form of insulation than the 60mm proposed such as aerogel or similar. No cross section of the insulation has been provided, which is specified as 100mm on the Heritage Plans Ground Floor Exhibition 2 XX-00-DR-A-16020 Rev P01, however other rooms have this figure but the sections show the insulation to be 122.5mm. Between the pilasters the insulation will visually reduce the depth of the pilasters, and precise details of how this is to be achieved is required. Further consideration in respect of the depth of insulation adjacent and on the pilasters is again requested in order that this element can be supported.

3.6.5 The west elevation currently has 3 windows on this floor that are currently blocked up and the proposal will reopen 2 of them which is greatly welcomed and would add interest and vitality to the Aubrey Street elevation. The third window would be on the lift shaft and cannot be reopened. However noting it is corten steel that is to be used to screen the window, and the doors to the lift shaft below, it would be preferable if another material were used to screen the window to reflect that this is a window and not a door or masonry.

3.6.6 I would however question the method of secondary glazing, which appears to be a continuation of the internal wall insulation, which is not a system readily supported especially for windows of this quality, notwithstanding the fact that they are blocked up currently. With the absence of glass in these 2 windows, it is suggested that as an alternative that the Fineo 12 vaccum insulated glazing that is proposed on the Broad Street windows be utilised. I note the cross section which whilst at 1:50 is of 1:20, however this scale is not readily accepted in respect of glazing details to listed building which are at least 1:10 or even 1:5 with glazing bars at 1:1 These details will have to be conditioned, but ideally will be changed to have a more appropriate form of upgrading to this listed building than the secondary glazing proposed. This would be consistent with requests made in respect of other listed building consent applications in terms of glazing and secondary glazing and to be consistent in the approach amendments are again requested.

3.6.7 This request is consistent with advice given at pre-application stage in respect of the windows to the south elevation, and the same comments would be made to that elevation that the secondary glazing would sit within the window frame and obscure the stone mullion. The secondary glazing or replacement glazing should sit within the stone mullions. Notwithstanding figure 43 of the windows and door report, amended details are sought in this regard whereby the secondary glazing sites within the stone mullions or the fineo 12 glazing used within the existing frame. I note the details of the Internal wall insulation (IWI) on Heritage Plans Ground Floor Exhibition 2 XX-00-DR-A-16020 Rev P01, however this does not include a cross section through the windows to assess the insulation on the window reveals. Figure 42 suggests that there is no IWI above the bull nose cill detail and between the pilasters, this should be clarified and if not the case a cross section to ascertain the IWI on the window reveals is required prior to the IWI being agreed.



Photograph 1



Photograph 2



Photograph 3

3.6.8 The above photos indicate the curved bull nose detailing around the window, within the window frame and the window surrounds, which would be covered by the secondary glazing proposed. The photographs below indicate that there is sufficient depth within the frame for secondary glazing. Or preferably Fineo12 replacement glass that will enable the stone window and its detail to be expressed. The peeling paint indicates the window below is stone which ideally should be retained as natural stone and not painted.



Photograph 4



Photograph 5

3.6.9 I note that the stone mullions are to be painted, however they presumably were not originally painted but stone. Details of the paint and colour to be used would be required, however this could be conditioned.



Photograph 6

Photograph 7

Photograph 8

Photograph 9

3.6.10 The above photographs illustrate the depth of the pilasters, the corbel at the head of the pilaster and the cornicing around the ceiling. Internal wall insulation of 100mm is proposed against the pilaster side and 40mm on the pilaster face.

3.6.11 Externally I note that the external existing cement render is to be removed and a breathable lime render applied in its place, details of the removal techniques should have accompanied the application, however can be conditioned. Of concern is the proposed colour choice of charcoal. Given the stone string courses, it is considered that charcoal was not a colour historically used for masonry and reserved for joinery, and the introduction of charcoal render would not be supported an alternative paint colour from a traditional colour palette for render is requested.

4 Woolhope Room

4.1.1 Summary of Areas for Clarification/Amended Plans/Items to be conditioned

- a) Figure 2 within the Structural report indicates new beams/joists in this locality. These details should be clarified or provided before they can be considered.
- b) White window seals – exact type of seal and location to be agreed by condition
- c) Minor repairs to the balcony to be conditioned
- d) Details of the venting to be conditioned.

4.1.2 The Woolhope Room has been identified as high significance in both the Conservation Management Plan and the Heritage Statement, which has resulted in an approach of minimal intervention within the Woolhope Room which is welcomed, noting the original features of the room. The proposals include the repair of the window frames and the replacement of the glass with double glazed units. This approach is welcomed, however it is noted that figures 10 and 11 of the Window and Doors Report XX-XX-RP-A-61810 indicates that the existing 4mm glass is to be replaced with 11.7mm glass and this approach is often used where the window frames can accommodate the increased thickness and weight of the glass. It is noted that the white window seals – exact type of seal and location to be agreed. Given the details within the Window and Doors Report XX-XX-RP-A-61810, it is considered that this element can be conditioned.

4.1.3 Heritage Plans Woolhope Room XX-02-DR-A-16010 Rev P02 indicates that there will be minor repairs to the balcony, these repairs should have been specified in the application, and whilst clarification would be preferred at this stage, as the works have been described as minor, this matter can be conditioned.

4.1.4 The drawing references ventilation boxing but no details save the location has been provided, clarification in respect of the size, materials and appearance of this venting should have accompanied this application, however noting the location, this element could be conditioned.

It is noted that the perimeter bookshelves on the north and south wall are understood to be original and as such would be considered as fixtures and fitting covered by the listing, for which listed building consent may be required for their alteration. Heritage Plans Woolhope Room XX-02-DR-A-16010 Rev P02 indicates that there will be minor alterations to unsightly modern interventions, and directed to the photograph for more detail. The works proposed are not clear and as such it considered that this element should be conditioned.

5.1 Third Floor

5.1.2 These are currently 2 large rooms for a museum and exhibition space and these 2 rooms will remain with some proposed changes.

5.1.3 Third Floor Summary of Areas for Clarification/Amended Plans/Items to be conditioned

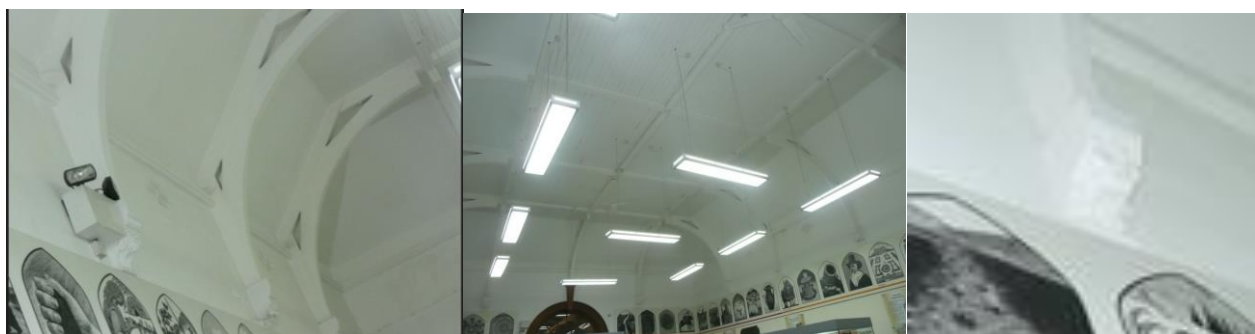
- a) Clarification and details in respect of the vertical steel supports should be provided before this element can be considered.
- b) It is noted that the ceiling is to be retained as indicated on XX-DR-A-14410 Rev P02. However the Heritage Statement confirms that the existing ceiling structure is to be taken down and reinstated, clarification as to whether the ceiling will be retained or dismantled and re-erected and if the later the methodology should accompany the application in order that this element can be considered.
- c) Clarification in respect of the internal wall insulation in Middle Exhibition Hall/Museum are required. The IWI in Exhibition 4 (003) clarification is required in respect of the trusses which appear to have the same dimensions on both Section F-F XX-XX-Dr-A-45525 rev P01 and Section D-D XX-XX-DR-A-45515, whereas section F-F indicates the vertical steel supports adjacent to the existing wall. Clarification as to the proposed works to the trusses are required, as Section D-D XX-XX-DR-A-45515 indicates that the timber trusses are to be supported and protected throughout the works which is welcomed, however the Structural Engineer is to confirm new fixings and support system to Delta beam construction. These details are required in order that this element can be considered.
- d) drawing Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 indicates that there will be 100mm of IWI behind existing hardboard lining. Clarification in respect of the corncing and if the 100mm IWI is indicative as it will be behind existing hardboard.
- e) The Heritage Statement confirms that there will be internal wall insulation 100mm thick on the north and south walls, however the floor plan on the Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 details that the 100mm of insulation would be on the north wall only with plant rooms to the south. However Section D-D XX-XX-DR-A-45515 suggests that there will be insulation also on the south wall.
- f) The Heritage Statement confirms that the insulation would stop below the existing corbels approximately at the height of the existing display panels. Whereas the Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 confirms that the lower external wall will be a total of 122.5mm thick, insulation and plaster however the upper wall would be insulated with a different material and should not exceed the depth of the architectural detailing. Clarification is sought in this regard as the three documents differ in the approach. Details of the upper wall insulation is required, in addition to why the historic plaster needs to be removed.

5.2 Middle Exhibition Hall/Museum

5.2.1 The 3 main changes proposed are; the existing ceiling structure is to be taken down and reinstated following the installation of a new structure to support it above, internal wall insulation and 2 new doors on the southern wall.

5.2.2 The Heritage Statement confirms that there will be internal wall insulation 100mm thick on the north and south walls, however the floor plan on the Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 details that the 100mm of insulation would be on the north wall only with plant rooms to the south. However Section D-D XX-XX-DR-A-45515 suggests that there will be insulation also on the south wall. It would have been useful if this cross section extended across the building to include the northern wall which is on Section F-F XX-XX-Dr-A-45525 rev P01. However the northern part of the building is covered by cross section C-C XX-XX-DR-A-45510 Rev 02. One plan showing the whole cross section would have been useful. It is assumed that the southern IWI will be on or within the new curtain wall and not on historic walls which would be appropriate.

5.2.3 The Heritage Statement confirms that the insulation would stop below the existing corbels approximately at the height of the existing display panels. Whereas the Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 confirms that the lower external wall will be a total of 122.5mm thick, insulation and plaster however the upper wall would be insulated with a different material and should not exceed the depth of the architectural detailing. Clarification is sought in this regard as the three documents differ in the approach. Details of the upper wall insulation is required, in addition to why the historic plaster needs to be removed.



Photograph 10

Photograph 11

Photograph 12

5.2.4 The above photographs indicate the trusses in this room with the carved decorative supporting corbels, and the cornicing. Clarification as to how these will be expressed against the IWI is required.

5.2.5 However Section F-F XX-XX-Dr-A-45525 rev P01 suggests that there will be steelwork running down the internal walls of the building, however this does not seem to be indicated on the proposed floor plans. Full details of the steelwork in all rooms and how it will be addressed internally should have accompanied the listed building consent application. The absence of the vertical steelwork on the proposed plans and only indicated on the cross section does not provide sufficient information to consider the visual impact of this steel work on the listed building, these details are required prior to a decision being made in order that it can be considered as part of the application. Whilst acknowledging that the scheme has evolved, nonetheless the impact of the steelwork on this floor does not appear to have been addressed in the Heritage Statements or Design and Access Statement.

5.2.6 Clarification is required in respect of the trusses which appear to have the same dimensions on both Section F-F XX-XX-Dr-A-45525 rev P01 and Section D-D XX-XX-DR-A-45515, whereas section F-F indicates the vertical steel supports adjacent to the existing wall. Clarification as to the proposed works to the trusses are required, as Section D-D XX-XX-DR-A-45515 indicates that the

timber trusses are to be supported and protected throughout the works which is welcomed, however the Structural Engineer is to confirm new fixings and support system to Delta beam construction.

5.2.7 It is noted that the ceiling is to be retained as indicated on XX-DR-A-14410 Rev P02. However the Heritage Statement confirms that the existing ceiling structure is to be taken down and reinstated, clarification as to whether the ceiling will be retained or dismantled and re-erected and if the later the methodology should accompany the application. It is noted that the Conservation Management Plan – Border Archaeology 23/03/2023 identifies this room as having very high significance with a low capacity for change and as such these details are required to assess the impact upon the significance. However noting the extent of the work in this rooms and adjacent rooms, clarification as to the outcome of this ceiling, that is confirmation how the ceiling would be taken down and reinstated should be submitted as the documents appear to differ in the detail.

5.3 Third Floor Exhibition 4

5.3.1 This room is currently one large room, with a lift in the north western corner and a storage area in the north east corner. The proposal would involve dividing the room to accommodate the stairs, a larger lift and a central flexible space. There are no windows in this room and the room is lit via rooflights above a glass ceiling.

5.3.2 The proportions of the room will change significantly by the insertion of the stairs and lift, although the reasons for their requirement is duly noted, and the loss of the modern stairs would assist in the appreciation of this space. It is noted that the flexible space will have a glazed elevation which will assist in the appreciation of the original space on the ground floor, however the second floor would appear to have a solid wall (section B-B XX-XX-DR-A-245505 Rev P02 and XX-03-DR-A-A-16031 rev P02. As the flexible space would not have a window or natural light, possibly a window to the upper flexible space could be considered which would make the room more usable, add verticality and if used by the public permit a different viewing angle of the exhibits. It would be preferable if the slate bench could be retained on the western elevation of flexible space 03-005 to indicate this this was formerly one large room, the cross section on XX-03-DR-A-16031 Rev P02 indicates an external wall, which suggests its retention in this space, however it is not on the floor plans, and this should be clarified. However the loss of the slate bench feature in the lift shaft and stairwell is regrettable but understood.

5.3.3 The structural steels as indicated on section B-B XX-XX-DR-A-245505 Rev P02 should have been included on the floor plans to assess their impact on this room. The Conservation Management Plan identifies this room as having an exceptional/ high significance and a low capacity for change, however, there appears to be a substantial degree of change proposed as identified in the Heritage Report as Moderate/large in respect of the removal of the ceiling and provision of lift and stairs. As such information in respect of the steel work is required in order that the insertion of steelwork into this room can be considered.

5.3.4 In terms of internal wall insulation I note that the drawing Heritage Plans Third Floor Exhibition 3 XX-02-DR-A-16025 Rev P01 indicates that there will be 100mm of IWI behind existing hardboard lining. It was understood that a different form of IWI would be used in this room to fill an existing cavity that exists. This approach is welcomed as it retains the original wall coverings and the slate benches. However it is noted that the existing cornicing will have to be re-attached. Clarification in respect of the cornicing and if the 100mm IWI is indicative as it will be behind existing hardboard.

5.3.5 Notwithstanding the above comments clarification is sought on the colouration of the IWI as the north and south walls have a red line depicting 100mm however there appears to be also a

green line depicting 40mm IWI. The green line around the door frame is assumed as being circa 1910 date and not insulation.

5.3.6 The glass ceiling has to be removed to facilitate the additional floors, and this has been attributed in the Heritage Statement as a very large overall impact, and within the Conservation Management Plan Border Archaeology and an area of high significance with low capacity for change. The significance of this room is agreed with, and there are changes proposed to its space both vertically and horizontally. The loss of the ceiling is extremely regrettable, however its condition is noted and the obvious practicalities of maintaining or cleaning such a feature noting the size of the crawl space above. If considered in isolation this loss of historic fabric would be difficult to justify and could not be supported, however I am aware of the discussions that have occurred to keep this feature and that this is part of a larger scheme involving additional floors. Notwithstanding the significance of this feature, should the scheme be approved because of the benefits to the museum itself I would raise no objections to this element of the proposal as it is part of a wider scheme retaining and expanding the historic museum.

6. Fourth Floor

6.1.1 Fourth Floor Summary of Areas for Clarification/Amended Plans/Items to be conditioned

- a) Clarification and details in respect of the vertical steel supports and new floor in the 1874 section of the building, should be provided before this element can be considered.
- b) Slimmer IWI on the three Broad Street rooms and the retention of the cornice, architrave and picture rail, and the reuse of the skirting boards. Can be conditioned if agreed.
- c) Consideration of the retention of the staircase to the librarians quarters. As this is a substantial loss to the significance of the building
- d) Re-consideration of the size and design of the window to the stairwell in line with national policy and in terms of LD1 and LD4 and the Draft Hereford Design Guide.
- e) Reconsideration of the heads of the venetian gothic windows in line with national policy and in terms of LD1 and LD4

6.1.2 This floor is above the Woolhope Room in the 1874 section of the building with the windows facing Broad Street. Hereford Museum was one of a relatively small number of Libraries constructed with accommodated for the librarian, and the librarian was housed on the upper 2 floors of the building, with a small domestic access from the landing adjacent to the Woolhope Room. The rooms in question are the dining room (south), central sitting room and northern bedroom where the Conservation Management Plans confirm evidence of the former gas lighting and have been attributed an exceptional/ very high significance with a low capacity for change.

6.1.3 The proposals seek to retain all three rooms in their current layout, which is welcomed, with internal wall insulation proposed on the southern wall of 100mm, and a bespoke approach on the eastern wall. No details of the insulation has been provided for the southern wall but it is assumed to be the same as insulation on the lower floors. Given the relatively untouched nature of this suite of rooms, and the size of the rooms that are domestic in character, it would be preferable for the internal wall insulation to be the thinner insulation used on the eastern elevation. However the loss of original plaster is not encouraged and has been opposed on other listed building consent applications as the thermal benefits of lime plaster are often under calculated and would not be readily supported without good justification. Nonetheless in this particular instance it is noted that the floor has to be strengthened to accommodate public entry and visitor numbers and this will

involve the removal of plaster at the base of the walls, which will have to be replaced. The loss of historic fabric is not readily supported, however in this instance it has to be balanced against the use of these rooms as a public museum, and the fact that these were rooms not intended for public viewing which will now be available as part of the museum and as such does exhibit great public benefit for the works. As such subject to the slimmer insulation being used on all external walls and the existing cornicing, architrave and picture rail being retained, and the skirting boards being replaced then the works would be supported as they would be considered as a benefit to the heritage tourism facilities within the County. Noting the work proposed in figure 2 of the Structural Report, the full extent of the works to the floor should be detailed.

6.1.4 The use of Fineo 12 glazing is supported.

6.1.5 Whilst there is support for the repair and reuse of these rooms, given the extent of changes proposed it is regrettable that the librarians stairs have to be lost. The Conservation Management Plans indicate the significance of these stairs as very high and the capacity for change very low, and that a conservation approach is needed to repair plasterwork in the stairwell. The loss of this feature has not been justified and whilst fully appreciating that they cannot be used as public access to this floor, it would be substantially preferable if they could be retained adjacent to the new lift, to illustrate the former domestic nature of these upper floors. Ideally the stairs would be visible to but not accessible to the public. It would be useful if the retention of the stairs could be considered as this is the key physical indicator of the fact that the upper floors were in a different use to the lower public floors and of great significance in the evidential, historic, aesthetic and communal value of the building.

6.1.6 I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, and as such the justification for the loss of elements of significance should be adequately justified.

6.1.7 Whilst there is support for the repair and reuse of the rooms facing Broad Street, I would still express concern at the size of the window on the south east elevation that serves a stairwell. The proposed south elevation XX-XX-DR-43302 Rev P02 illustrates the comparative sizes of the proposed and existing windows. Figure 44 of the visual Impact Assessment illustrates the size of the window compared with the other windows in the vicinity. Whilst appreciating that this is to obtain a view of the cathedral, I would respectfully point out that this is from a stairwell. However the gothic arch at the top is the element that draws the eye, and the width on the lower floors could be more readily absorbed into the mass of the walling. I would refer to the reference on page 28 of the Draft Hereford Design Guide in respect of the clear hierarchy of windows with larger openings on the ground floor and smaller windows on upper floors. A reconsideration of the size of this window is again requested.

7. Fifth Floor

7.1.1 The fifth floor is a combination of works to the existing fabric plus an additional storey to the rear sections of the building including a central external café area. The comments below are in respect of the works to this listed building only, and the setting of heritage assets being considered under the planning application 230385/F. However in terms of the works to the roof there will inevitably be a degree of overlap, therefore the comments in terms of the setting of all affected heritage assets are addressed in this section also.

7.1.2 Fifth floor –Summary of Areas for Clarification/Amended Plans/Items to be conditioned

- a) The steel to support this floor has been addressed in previous sections but is of relevance to this floor also.
- b) Details of the soil pipes to be submitted and to be indicated on the floor plans if running internally and on the elevations if externally.
- c) Clarification as to the height of the lift shafts.
- d) The treatment of the Aubrey Street elevation to be reconsidered to be more cohesive in terms of materials and pitch. Given the prominence of the Aubrey Street elevation, and the uncomfortable juncture between the corten steel lift shaft covering and the slate walls, an alternative treatment for this elevation is sought.
- e) Consideration of the windows on the south elevation to represent the design of the arches below and not the veneration gothic of the front of the building.
- f) Changes to the stairwell window requested as amendments
- g) Details of the pv panels – could be conditioned
- h) Materials with particular attention to the brickwork – could be conditioned

7.2 Café seating or exhibition 05-022

7.2.2 These three rooms have been identified as having exceptional/ very high significance with a low capacity for change, and have been identified in the Conservation Management Plan received on 23/03/2023 that these 3 rooms were planned as part of a series of smaller exhibition rooms. However this conflicts starkly with the plans submitted which indicate that the proposed works to this element of the building are extensive and involve the removal of the greatest degree of historic fabric. Fifth Floor demolition Plan Xx-05-DR-A-11162 rev P01, indicates that all the internal walls of the top floor are to be removed, a large section of the rear wall and roof, to create essentially a single space from the existing top floor to link in with the café seating of exhibition space 05-003. A comparison of the existing and proposed south elevations XX-XX-DR-43302 Rev P02 indicates the degree of change proposed.

7.2.3 However the condition of this floor is duly noted and the water damage that has occurred and the repair works that would be required to retain the rooms as is would involve a degree of new fabric. The use of this section of the building would allow views of the cathedral and as such is readily understood. The height of the windows is noted and the steps up to view through the windows is acknowledged.

7.2.4 Usually such radical interventions to a roof of a listed building would not be supported as the visual impact of such works is substantial, in addition to the loss of the historic fabric. However I note that the front section of the building has evolved to take these concerns into consideration. I am also mindful that the museum was transferred in the 18070's to the City Council by James Rankin president of the Woolhope Naturalists Field Club who bore £6000 of the costs. (source An ornament of the City – 125 years of Hereford Free Library and Museum), and as such the building was designed and gifted as a museum for the city and should remain as such. Nevertheless in less philanthropic times the building has to bring in revenue to support itself with a change of use and alternative site for the museum not being desirable, even if possible, as the history and significance of the building is that of a public museum. The lack of land associated with the museum is also noted with no opportunity to expand in any direction apart from vertically.

7.2.5 As such the works to the front section of the building to enable a large space with views to the cathedral is not opposed in principle as it would bring public benefit to the building and provide economic support for the retention of the building as a museum

7.2.6 In terms of the design and materials, the roof is a flat roof, with slate hanging on the sides, so will read as part of the roof, and the public lift has been considered carefully to have corten steel

cladding on essentially a square structure, which in addition to tying this material into material used elsewhere will also mirror the red brick of the chimneys in its shape, and is a good choice in material for this location. The choice of slate shape on the walls is well considered as it adds texture which in part disguise the fact that it is not a roof but walls. However the materials are a key consideration and should be conditioned to ensure that they are as expected. Great care will be needed in the new brickwork to ensure that it matches, colour, texture, size, brickbond and mortar width to the existing brickwork.

7.2.7 I note the pv array on the roof, and full details and colour of these should be submitted as it will be visible from the cathedral tower. Ideally a matt black pv panel would be preferred.

7.2.8 The window to the stairwell has been mentioned previously and the size and height of the gothic arch is not supported as this introduces a large feature which whilst breaking up the elevation and adding a degree of verticality is disproportionate and again only serves a stairwell. Figure 44 of the Visual Impact Assessment, and Exterior Curtain walls XX-XX-DR-A-22640, illustrates the size of the window compared with the other windows in the vicinity. Could an amended design for the window be considered ideally not projecting above the brickwork of the front section of the building unless flat to the "roof" slope. Possibly the omission of the corten steel projection surrounding would also assist by making this window less of a feature and possibly a slate colour frame would be beneficial.

7.2.9 The wc provision for the café is noted, however these are sited above the Exhibition room 03-03 on the third floor with the ornate trusses and vaulted ceiling and the exhibition 01-00 on the ground floor with the mezzanine. No details of the soil pipes and where they will be sited internally has been provided, and noting the architectural details of these rooms, the details of the soil pipes should have accompanied the application and identified on the floor plans if internally and on the elevations if externally.

7.2.10 Similarly the wc provision at the west end should have similar clarification.

7.3 Lower Terrace

7.3.1 This would be a newly created space sited behind the curtain wall, and being open air provides a visual break in the roof line when viewed from the west front of the cathedral. Overlooking will be considered by other parties and in terms of built heritage only there is no objection to this element of the proposal.

7.4 Fifth floor education space 05-006

7.4.1 This will be a newly created floor above the current art gallery formed by the removal of the 1912 roof. It is flat roofed to provide a roof terrace above. However it is noted that the education space is approximately only half of the space create with approximately a quarter being used for the service lift and fire escape stairs, and the other quarter the access to the roof terrace.

7.4.2 This element of the building designed has evolved to now have slate hanging on the walls to replicate a slate roof to minimise the visual impact of this room. In terms of elevational treatment, I would question the venetian gothic windows on the south elevation as, the 1912 part of the building did not follow the venetian gothic of the Broad Street frontage. In addition the general rule is that windows generally decrease in size the higher up the building the windows are, such as the Broad Street frontage where there is a recognised hierarchy of window sizes reflecting their functions. The use of venetian gothic openings is not encouraged as it relates to the Broad Street frontage and not the Aubrey Street frontage, and the size is discordant with the upper floor windows on the Broad Street section of the museum. As an alternative on the south elevation it is suggested that the head

of the windows be a shallow arch to mirror the windows in the current library below. This would separate the roofscape to the Broad Street section, the Aubrey street section and the central section, which in addition to dividing the visual mass, would relate more readily to the 1912 section of the building. Noting the cross sections in section c-c XX-DR-A-45510 rev P02, it is not considered that loss of the upper section of the gothic arch to reflect the arch of the window below would reduce the viewing area of the majority of people within this room, however would greatly improve the external appearance, both when viewed from Aubrey Street, King Street and the junction with Bridge Street where the venetian gothic of the Broad Street frontage is not readily visible. The lessening of the height of the window would also reduce the dominant impact that the windows would have when viewed over the roofs of adjacent buildings as illustrated by figure 47 of the visual Impact Assessment. It is noted that in the Archaeology and Heritage Desk based Assessment, in the assessment of the views from the cathedral tower 9.2.10 that the dormer windows and rooftop colonnade will be seen in the same view as the Broad Street frontage, which is concurred. However, it is also confirms that this is the least publically accessible viewpoint which is also concurred. As such the rationale for the Venetian gothic windows on the south elevation of the 1912 extension is not readily understood and it is considered that the fifth floor windows should relate to the windows to the 1912 extension as a more readily accessible viewpoint would be the view from King Street and Aubrey Street where the Broad Street elevation is not visible.

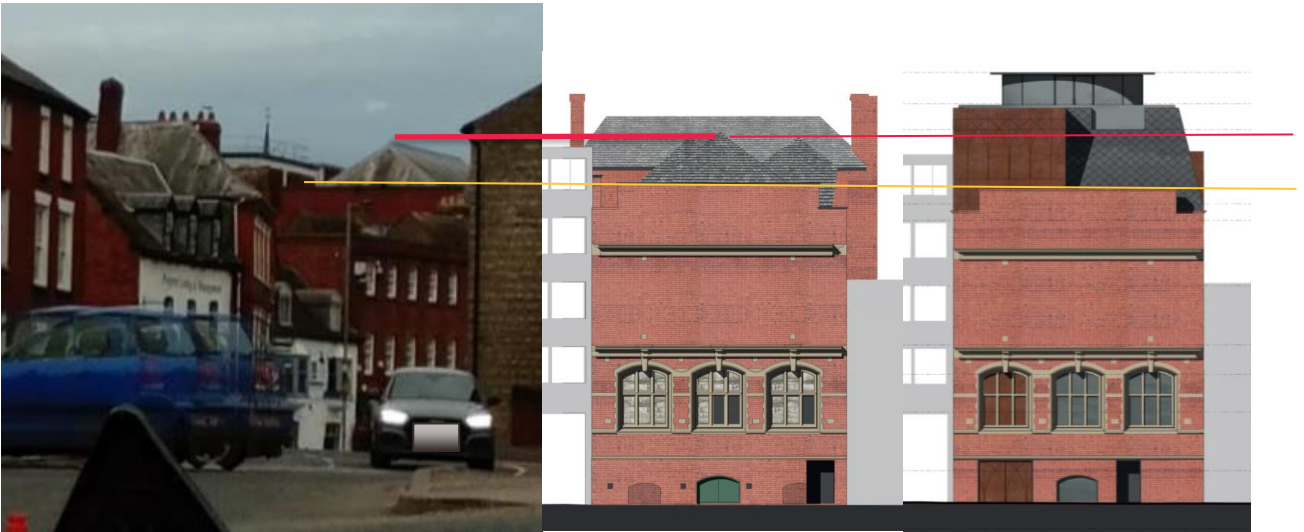
7.4.3 In terms of the Aubrey Street frontage, this elevation has changed from pre-application discussions by the provision of the lift to the fifth floor. This has resulted in an uncomfortable square box projecting in the north west corner of the building, which is accentuated by a change in material, and is visible on both the west and south elevation, and as such will be readily visible on the approach along Barton Street and King Street. I note that the view from Barton Street has not been included in the Visual Impact Assessment, although was identified as a key view during pre-application discussions. Nonetheless it is considered in plate 7 of the Archaeology and Heritage Based Assessment. However, it is not clear if the representation on plate 7 is entirely accurate as the new roof appears to be sited behind the existing roof which is to be removed. As such it is not considered that the impact will be not as depicted in plate 7.



Plate 7: View looking ENE from the site of the medieval St Nicholas Gate

Figure 4 plate 7 from Visual Impact Assessment

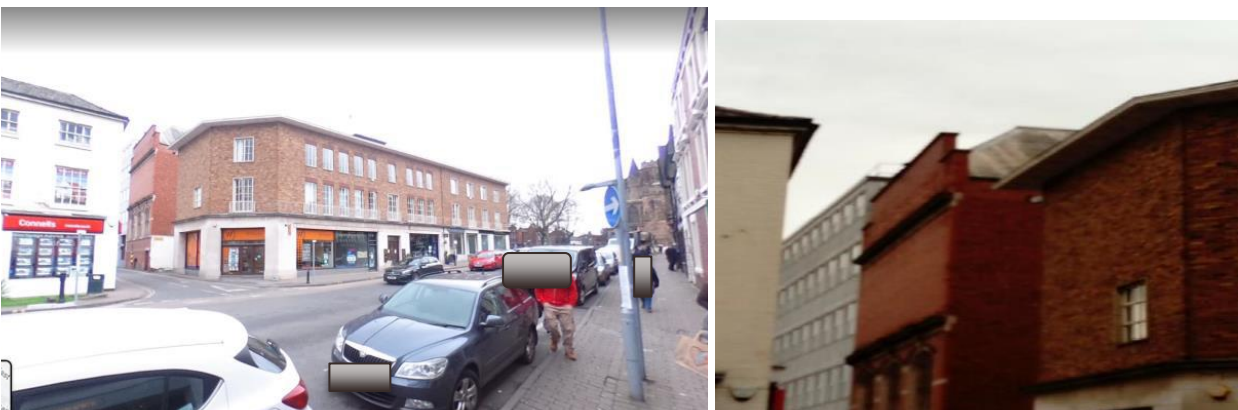
7.4.4 However the roof will be more visible than indicated sited immediately behind the brick parapet, as a comparison with a photograph taken from the traffic lights at Barton Road, compared with the existing elevations and the proposed elevations indicate. The red line indicates the height of the existing ridge of the 1912 section of the building and the red line the existing parapet. All Saints Church spire grade II* is visible on the left hand side of the photograph and Berrington House grade II* in the left foreground



Photograph 13 view from southern side of Barton Road Figure 5 existing and proposed Aubrey Street elevations



Photograph 14 view of existing museum roof from King Street



Photograph 15 and 16 Aubrey Street elevation of museum viewed from King Street

7. 4.5 At this key gateway into the city that affords a view of the rear of the museum, this elevation has to be carefully considered. Whilst the elevational drawings of the existing roof may be accurate, they are by their nature 2 dimensional, and the height and impact of the existing 1912 roof, is not always adequately represented in a 2D drawing, as the 1912 roof stands more prominent than the other pitched roofs to the rear of the museum, which is difficult to illustrate 2 dimensionally. However photographs or viewing from King Street and the corner of Bridge Street illustrate the existing roof scape. Being in 2D the drawings suggest that the main roof of the museum is the dominant roof when considering the rear elevation, however this is not the case due to the complex change in levels and the size of the roof. In some locations the main museum roof is not visible such as the photographs and plate 3 of the Archaeology and Heritage Based Assessment.



Photograph 17 current visibility of all the museum roof viewed from corner King Street/Bridge Street



Figure 6 existing and proposed elevations on southern elevation facing King Street.

7.4.6 Notwithstanding the information submitted it is considered that the new roofscape will be visible from many important locations and as such has to be very carefully considered. It is noted from the Archaeology and Heritage Based Assessment on page 9 that the height of the pop-up for the goods lift and main passenger lift is still to be confirmed. As such the eventual height may be different to that indicated on the plans and in the assessments. Noting the proposed roof plan on drawing XX=RF-DR-A-41170, which indicates the flat roof of the lift directly adjacent to the viewing platform. Proposed Sections 5 and Roof Terrace LP2303-FIR-OO-ZZ-DR-L-7001 is a cross section through the parapet and the Beacon tower, and does not indicate the lift shaft, but drawing B-B-XX-XX-DR-A-45505 rev P02, does illustrate the relative height of the lift shaft to the public viewpoint. It is anticipated that the height of the lift shaft may need to be raised for obvious reasons. As such the final height would need to be considered at this stage. The smaller lift may be less of an issue, due to its size and location.

7.4.7 The King Street View of the cathedral was identified as one of the key views on page 48 of the Hereford Design Guide Supplementary Planning Document. This document also suggest that flat roofs are not an appropriate detailing on page 51.

7.4.8 In addition the mix of materials facing Aubrey Street elevation is not considered appropriate given its location and high visibility. With that in mind it is requested that the west elevation be reconsidered to have a more cohesive design and material. Amended details in respect of the lift height and Aubrey Street elevation are therefore requested in this regard.

8.1 Roof Terrace

8.1.1 It is considered that there are 2 elements to the proposed roof terrace to be considered, the roof structure itself and the staircase beacon tower atop the roof terrace. The roofscape of the city has to be addressed not only in terms of the setting of the host listed building but the other designated assets.

8.1.2 I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II* listed buildings, should be wholly exceptional.

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

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

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

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

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

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

8.1.7 Step 1.

8.1.8 The building is prominently sited within the Hereford Central Conservation Area, which contains a high number of listed buildings. Rather than list them individually, I am attaching a map extract from the Historic England website, <https://historicengland.org.uk/listing/the-list/map-search?clearresults=true#?search>, however the relevant grade II* and grade I listed buildings in closest proximity only will be listed below.

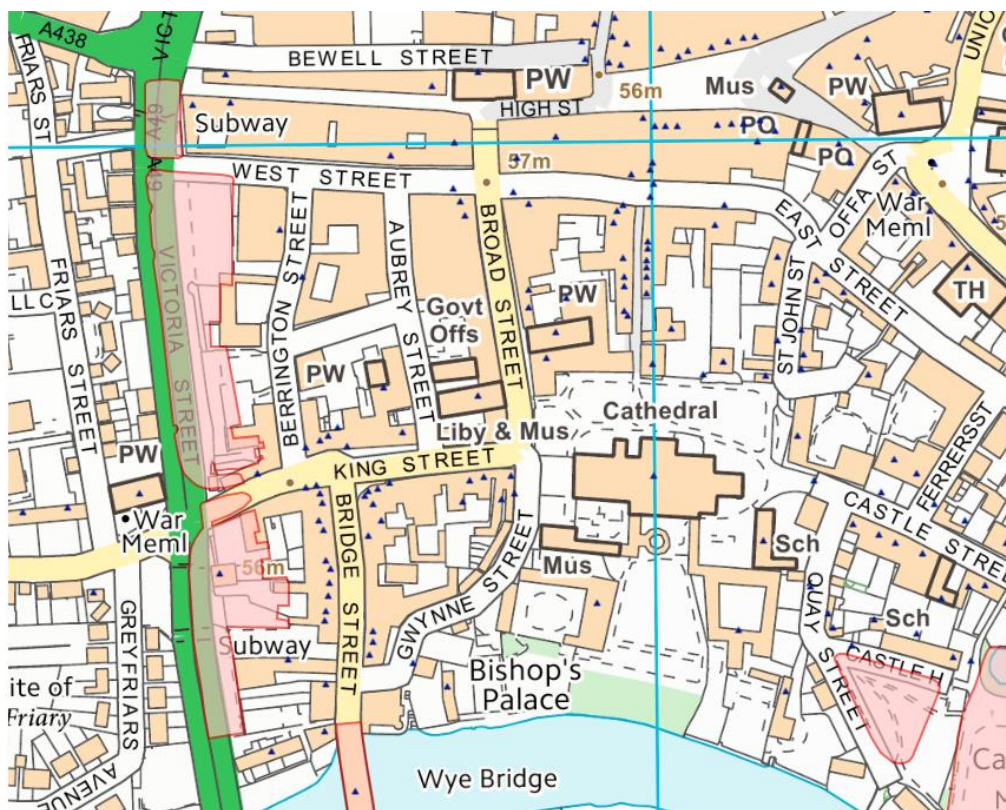


Figure 7 Extract from Historic England website indicating the listed buildings by blue triangles and scheduled monuments in red.

Grade I

UID 1196808 Cathedral Church Of St Mary And St Ethelbert

UID 1196809 College Of Vicars Choral

Grade II*

UID 10255105 Church Of All Saints

UID 1052295 Palace Chambers King Street

UID 1196802 Junior House of Cathedral School
UID 1297462 Church of St Francis Xavier
UID 1279761 Berrington House
UID 1205588 41A Bridge Street
UID 1297419 Greyfriars Surgery

Grade II

As on the attached map on Broad Street, King Street, Bridge Street, Aubrey Street and Wye Terrace .

It should be considered that whilst Herefordshire County has over 6000 listed buildings, only 131 are grade 1, that is 2% of the listed building stock, and 363 are grade II* that is 6%, with the vast majority being grade II.

8.1.9 Step 2 Assess whether, how and to what degree these settings make a contribution to the significance of the heritage assets.

8.1.10 The second stage of any analysis is to assess whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution; both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.

8.1.11 The assessment should consider the key attributes of the heritage asset and then consider;

- the physical surroundings of the asset, including its relationship with other heritage assets
- the asset's intangible associations with its surroundings, and patterns of use
- the contribution made by noises, smells, etc to significance, and
- the way views allow the significance of the asset to be appreciated

8.1.11 To assess the physical surroundings the following should be considered;

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design eg hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time

8.1.13 The experience of the asset needs to consider;

- Surrounding landscape or townscape character
- Views from, towards, through, across and including the asset
- Intentional intervisibility with other historic and natural features
- Visual dominance, prominence or role as focal point
- Noise, vibration and other nuisances
- Tranquillity, remoteness, 'wildness' Busyness, bustle, movement and activity
- Scents and smells
- Diurnal changes
- Sense of enclosure, seclusion, intimacy or privacy
- Land use
- Accessibility, permeability and patterns of movement
- Degree of interpretation or promotion to the public
- Rarity of comparable survivals of setting
- Cultural associations
- Celebrated artistic representations

- Traditions

8.1.14 The built up form of the conservation area contains both listed and unlisted buildings clustered primarily within the former city walls, on streets that have been in existence for centuries with some streets wider than others. The heights of the buildings has remained relatively uniform and not higher than 5 storeys with the exception of church spires. Given the proximity of listed buildings to each other, and the fact that several are in in the same view, an assessment of the setting of the listed buildings has been undertaken in viewpoints rather than individual listed buildings. I note that the Visual Impact Assessment takes a wider views of the city into consideration, and the Archaeology and Heritage Based Assessment addresses some individual buildings. Both will be considered under section 3

8.1.15 Step 3. Assess the effects of the proposed development whether beneficial or harmful on that significance.

8.1.16 The application has included a Visual Impact Assessment of many views including long distance and also an Archaeology and Heritage Based Assessment identifying key views.

8.1.17 Key View 1 South Aisle West door of the Cathedral (Visual Impact Assessment and Archaeology and Heritage Based Assessment)

8.1.18 Both Visual Impact Assessment assesses and the Archaeological report start with this view. The Visual Impact Assessment considers that the height does not rise above the front elevation. This is not entirely correct as the viewing beacon tower and potentially the top of the lift shafts will be above the ridge line. However relative height is also not the only consideration that should be utilised in assessing setting, and how setting is experienced is also a key consideration.

8.1.19 Figure 45 illustrates the current viewpoint, and Figure 46 the proposed view. Currently the Museum is a tall 5 storey frontage building, with views over the building on the corner of King Street and Broad Street. The increase in height will change the experience in that the increase in height will be noticeable and could result in an over dominant affect on this section of the cathedral grounds.

8.1.20 I note plate 2 of the Archaeology and Heritage Based Assessment, where it is considered that any visibility would additionally be mitigated albeit on a seasonal basis by 2 trees on the W side of the Cathedral Close. Whilst the trees will obscure some views of the Museum this is primarily of the front elevation, and not the southern elevation, and only when in full leaf. The middle section of the museum is readily visible from the cathedral grounds from many locations and through the trees when not in leaf.



Photograph 18 view of the Broad Street and side elevation of Museum from cathedral grounds

8.1.21 It is considered that the proposal will have an impact on the way in which the cathedral close is experienced and the immediate setting of the Cathedral.

8.1.22 Key View 2 Corner of Bridge Street and St Nicholas Street/King Street (Visual Impact Assessment)



Photograph 19 view of current museum



Figure 8 extract from application of same view.

8.1.23 This view illustrates the impact that the proposal will have on the conservation area and it is noted that listed building UID 1187249 22 King Street will have the new roof directly above it. 22 King Street is described as *House, now shops and offices. Late C18 front to C17 core. Brick; composite tile roof; reduced brick end stack. 3 storeys and cellar* and is identified by the yellow arrow.

8.1.24 The assessment of the Archaeology and Heritage Based Assessment in plate 3 considers the view from a similar location, and considers that this viewpoint is the one from which the proposed rear roof extension can be most clearly seen rising above the three-storey buildings of brick with slate pitched roofs on the corner of Aubrey Street.



Plate 3: View looking NE from the corner of Bridge St and King St.



Photograph 20 extract from heritage appraisal

Photograph 21 same view slightly different location along King Street

8.1.25 This statement is agreed with, in that the proposed roof extension will be visible above the listed building, however whilst the demolished St Nicholas Church and the subsurface archaeology was referenced, the impact on the setting of this listed building has not been assessed. It was confirmed that whilst the current museum roof is larger than the 3 storey listed building the slope of the roof recedes into the city skyline, and that the proposed roof extension had been designed to maintain the pitched roof forms, colours and textures consistent with traditional building forms and materials. This statement is not concurred with, as whilst glass is found in the city roofscape, it is usually on smaller elements, such as glazed roof such as the Post Office, or the dome of St Francis Xavier, or individual rooflights. The use of glass for a free standing tower is not prevalent in the city skyline, nor corten steel. In addition whilst slate has been used to clad the walls, it is also the roof shapes that represent the city skyline, the bulk and mass of the roofscape and the pitch not just the materials. It is considered that the proposal would result in a rather dominant and overbearing neighbour in way that is not experienced currently. In addition the impact on the setting of the museum itself has not been assessed from this viewpoint. I would refer to Hereford Design Guide which advises that is a new roof is proposed particular attention should be given to its proportions, height, pitch materials and colour.

8.1.26 Key Viewpoint 3 King Street opposite Aubrey Street (Archaeology and Heritage Based Assessment)

8.1.27 The setting assessment confirms that *From most viewpoints along King Street, the proposed new roof is screened from view along most of King Street but from this angle, there would clear visibility, although no landmark buildings would be affected.* This statement is not concurred with as the Visual Impact Assessment in key View 2 clearly illustrates that the new roof is not screened from view as it would be visible above the roofs of King Street, and photographs taken illustrate that the existing museum roof is clearly visible and as such the roof extension will be equally if not more visible than the existing.

8.1.28 Key Viewpoint 4 Junction of Berrington Street and Little Berrington Street (Archaeology and Heritage Based Assessment) Key View 3 of (Visual Impact Assessment)

8.1.29 The Visual Impact Assessment confirms that from this view the cathedral is blocked more by the proposed beacon which does dilute the connection between the Aubrey Street Quarter and the cathedral. The Archaeology and Heritage Based Assessment considers this view along similar lines in that *from this view the cathedral would be partly obscured by the proposed beacon, which is considered to diminish the link between the cathedral and the early medieval Berrington Street-Aubrey Street plan unit representing the late 8th century/early 9th century undefended settlement.*

8.1.30 These assessments are agreed with, in that the cathedral is currently visible over the museum roof, however after construction the view will be less. The cathedral was the most important building in the daily life of residents of the city, and the proposal will impact on the views of the cathedral from this area, which will then reduce the visual links between the sites.

8.1.31 I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II* listed buildings, should be wholly exceptional.

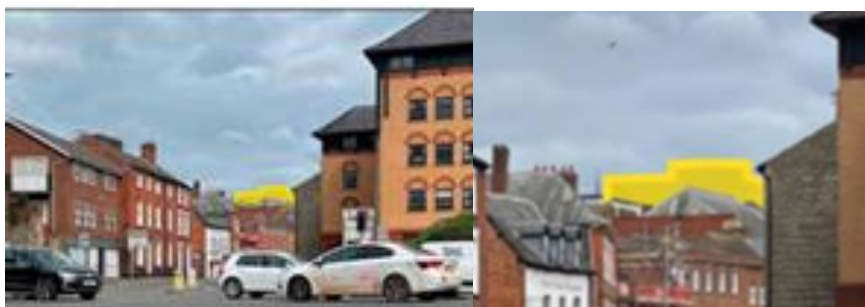
8.1.32 However the impact on the setting of UID 1279411 21A King Street has not been assessed, although this view was identified. A house of the Late C18/early C19 remodelling of late C17 timber-frame; restored C20. Brick; timber-frame; slate roof; brick end stacks. Central staircase plan. 2 storeys, attic and cellar. This property is visible between properties on Berrington Street where views of the cathedral can also be glimpsed.

8.1.33 The museum roof is currently not visible from the Little Berrington Street car park, although the adjacent property is visible which indicate the roof height. It is considered that the proposal will be visible from this location and will appear over the roof of UID 1279411 21A King Street, which is in proximity to UID 1187249 22 King Street when viewed from the rear car park. An assessment of the setting of these listed buildings has not been made.

8.1.34 Key View 5 – Opposite St Nicholas Church corner of Friar Street. Archaeology and Heritage Based Assessment) Key View 7 of (Visual Impact Assessment)

8.1.35 This view point has been addressed above when considering the Aubrey Street elevations under the comments regarding the Fifth floor education space 05-006.

8.1.36 I would point out that the viewpoint provided has been taken from the southern side of Barton Road, however an assessment of the view from the northern side of Barton Road was requested. That is the view when stationary at the traffic lights facing Nicholas Street, which provides a very different viewpoint. In addition the visual image submitted is set behind the existing slate roof, whereas the existing roof will be lost, and as such the new build will directly from the parapet on Aubrey Street.



Figures 9 and 10 extract from the Visual Impact Assessment from the southern side of Barton Road



Photograph 22 from northern side of Barton Road illustrating gap

Figures 11 & 12 existing & proposed Aubrey Street elevation

8.1.37 This key point entering the Nicholas Street/King Street has been missed from the appraisal and without Deen Court framing the building on the southern side of the photograph/image presents a different view when there is space between the buildings able to be viewed.

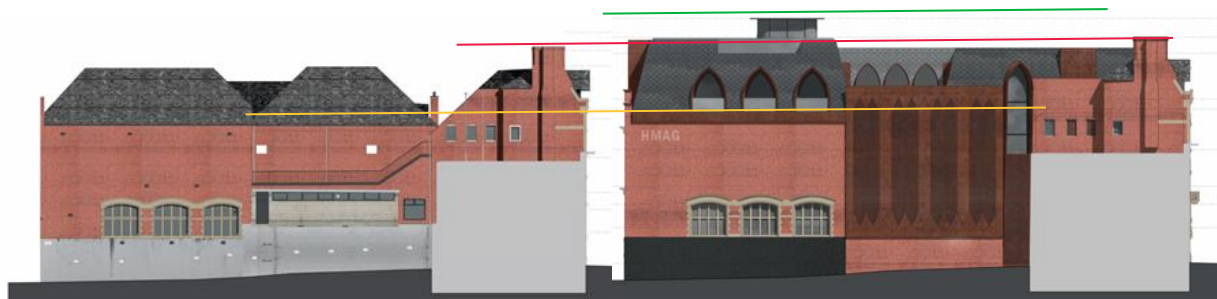
8.1.38 The comments within the Visual Impact Assessment that whilst the mansard roof and top of the viewing beacon will be visible although the materiality of the new roof form will be in keeping

with the historic roofscape is not agreed with. The slate roof to the top of the roof terrace parapet will be on a wall not a roof and as such presenting a relatively flat wall appearance not a pitched roof, to approximately the red line of the attached photograph. The glass beacon which would be the height but not the width of approximately the green line on the photograph is not a material readily visible on the roofs of buildings. In addition the height is greater than the surrounding buildings.

8.1.39 Key View 5 St Francis Xavier Church Broad Street (Archaeology and Heritage Based Assessment) and Visual Impact Assessment
Key View 6 All saints Church Broad Street (Archaeology and Heritage Based Assessment)
Key View 11 and 12 Visual Impact Assessment

8.1.40 The consideration in respect of the view from Broad Street is agreed with in that it is not considered that the new built will be highly visible from Broad Street. However, it is worth clarifying that the impact on St Francis Xaviers and All Saints previously raised previously was not the view from Broad Street, but the view from Greyfriars Bridge where the glass dome of St Francis Xaviers is visible, adjacent to the cupola on the former Post Office in Broad Street, and between the spire of All Saints and the Cathedral.

8.1.41 It was the longer distance views of St Francis Xaviers dome and the cupola of the post office that were requested. These traditional features breaking through the traditional pitched roofs add interest and vitality to the city roof scape. The Museum chimneys are approximately identified by the red line which will be the height of the parapet of the roof terrace and the green line approximately identifying the height of the beacon tower. However The Visual Impact Assessment has identified this viewpoint in key view 11.



Figures 12 & 13 existing and proposed southern elevations



Photograph 23 view from Greyfriars Bridge

8.1.42 The ridge of the existing museum and the chimneys can be clearly seen from this viewpoint, although not readily recognised as the museum. This was a viewpoint identified as requiring careful consideration. Whilst noting that this viewpoint has picked up All saints Church and St Francis Xaviers, clarification is sought in respect of this viewpoint. The parapet of the roof terrace is comparable with the heights of the chimneys, with the beacon tower being above. However the illustration in Key View 11 seems to suggest a lower height.



Figure 14 extract from Key 11 of the Visual Impact Assessment

8.1.43 Key View 7 Wye Bridge (Archaeology and Heritage Based Assessment)
Key View 9, 10, 14 15 Greyfriars Bridge Visual Impact Assessment

8.1.44 The assessment is noted, however again it was not necessarily the view from the bridge that was the only consideration but views of the bridge from the adjacent Greyfriars Bridge, where the museum is visible and/or with the flat roof on the neighbouring building providing a base line for the visibility. The visual Impact Assessment has viewed Wye Bridge from Greyfriars bridge in the

8.1.45 Clarification is sought in respect to Key view 9 in the Visual Impact Assessment which suggests that none of the roof including the Beacon Tower will be higher than the chimney of Wye Terrace.



Figure 15 extract from Visual Impact Assessment

Photograph 24 taken from similar viewpoint

8.1.46 However as the roof of the 1912 section of the museum is already visible above the rooftops of Wye Terrace, and the proposed increase in height, clarification if this indication is correct is sought. It is note that key views 14 and 15 of the Visual Impact Assessment quite accurately indicate a different height than key views 9 and 10 as a different view point is afforded on the north bound side of the bridge, and in the direction of traffic plus pedestrians so both sides of the bridge quite rightly have been considered.



Photograph 25 viewpoint with museum roof indicated.



Fig 16 existing & proposed Aubrey St elevation

8.1.47 Key View 8 Cathedral Tower (Archaeology and Heritage Based Assessment)

8.1.48 This viewpoint submitted by the Archaeology and Heritage Based Assessment is more a consideration of the view from the cathedral tower which is available to visitors to climb and the views available from the tower and how the experience of setting only from the tower rather than also considering the visual setting that is assessed by the views from the ground provided by the Visual Impact Assessment.



Photograph 26 view taken from cathedral tower



Fig 17 extract from Key View Archaeology & Heritage Based Assessment

8.1.49 The roof of the museum is readily visible from this viewpoint and it is noted that pre-application concerns in respect of visible plant on the roof appears to have been taken into consideration in the design sited internally on the northern wall to minimise impact, and it is assumed that plant and services will not be visible from this viewpoint, which would be useful to be clarified. However the pv array will be visible from this viewpoint and potentially from the roof terrace and further details in respect of the pv array should be provided and a matt colour preferred. However the location of the beacon tower is noted in that it is between the majority of the roof terrace and the cathedral thereby potentially reducing the views of the cathedral from the roof terrace in a number of locations. Considerable care should be taken in the consideration of materials of the upper floors.

8.1.50 Key View 16 Greyfriars Bridge Visual Impact Assessment

8.1.51 The flat roof extension of the neighbouring property is readily visible along long stretches of Victoria Street recognisable by the change in materials and the flat nature of the roof, and the museum roof is also visible from several locations and almost continuously from the north bound pavement, and I duly acknowledge the number of viewpoints provided from Victoria Street that have been provided that reflect the continuous visibility of the building currently afforded.

9. Consideration of setting

9.1 The Visual Impact Assessment identifies that the roof and beacon will be seen over the roofs cape of Hereford when viewed from the south, and west.

9.2 I duly note the conclusions on page 49 of the Archaeology and Heritage Based Assessment however would not concur with the conclusions.

9.3 The impact of the works on the Museum and Art Gallery has been considered in that document as slight to moderate, based on the high significance of the building cross referenced against the impact of the works which was assessed as minor. It cannot be concluded that the loss of the majority of the original roofs, and a new storey with roof terrace and viewing beacon above would be considered as minor, as the works proposed are clearly extensive. In addition this would conflict starkly with the assessment in the Heritage Statement which assesses the level of intervention of the roof works to be major and the overall impact very large and that the vertical

extension to the rear of the building is a significant change to the building. No rationale or explanation for the differing weightings was given.

9.4 Whilst not agreeing that the impact on the museum is slight, this is not the weighting within National Planning Policy Framework which provides only 3 levels of harm; Substantial Harm, less than Substantial Harm, and no harm. Case Law on the subject is provided by R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin) where it was concluded that only the three graduations of harm in NPPF apply in heritage terms and even limited or negligible harm amounted to less than substantial harm. The judgement clarifies that this level of harm is sufficient to engage the heritage paragraphs within the NPPF. Whilst not agreeing with the weighting it is noted that a consideration of slight to moderate harm by the proposal is still confirming that harm has been identified.

9.5 The statement that *“the flat roof design of the extension would be out of keeping with the generally textured roofscape of the conservation area but in mitigation the impact is offset by the fenestration and the observation beacon which would conserve its overall character and complements the character and quality of the historic skyline as representing a new element of use and will use materials of a similar type and texture and suitably modest colour palette”* is noted but not agreed with. The materials have been discussed previously, as has the scale of fenestration and it cannot be agreed that a glass tower projecting above the skyline would conserve its overall character or complement the character and quality of the historic skyline.

9.6 A recent appeal in the city for a 20m telecommunications mast planning reference P/213379/PA7 was dismissed, in dismissing the appeal the Inspector noted that the spire of the Church of St Peters was a prominent feature across much of the city centre’s townscape, with the significant and special interest of this Church deriving from its stature, architectural design and detailing, along with its historic role as a social and spiritual focal point within Hereford, and that the proposed development would detract from the views of the church spire. In respect of the height it was noted that due to the overall height it rise significantly above the majority of the built form such that there is likely to be a degree of inter visibility between the proposed development and other nearby listed buildings. The appeal was dismissed as a result of the harmful effect on the setting of the conservation area, Scheduled Monuments, Area of Archaeological Importance and listed buildings, and the harm to each asset was deemed to be less than substantial, and in applying the balancing act of NPPF paragraph 202 weighed the harm against the public benefits of the proposal. The height of the refused mast was 20m, which is comparable to the height of the Beacon Roof at 20.2m.

9.7 The Archaeology and Heritage Based Assessment report assesses the impact on the cathedral and cathedral close as moderate to slight, reflecting the high significance of the church cross referenced against the magnitude of impact and is assessed as minor.

9.8 The overall impact of the proposed development on the setting of All Saints church has been assessed as slight, reflecting the high significance of the grade II* listed building referenced against the magnitude of impact as negligible.

9.9 These calculation is not agreed with. However whilst not agreeing with the weighting it is noted that a consideration of slight to moderate harm by the proposal is still confirming that harm has been identified, and it should be noted that this level of harm is sufficient to engage the heritage paragraphs within the NPPF.

9.10 Paragraph 200 of NPPF confirms that Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

9.11 It is also noted that not all listed buildings have been assessed in the consideration of their setting.

9.12 Whilst not agreeing with the weightings given, the reports submitted have identified harm to the setting of listed buildings of all designations. The wider impact on the conservation area is also a matter for consideration as in addition to the statutory duty to protect the setting of listed buildings under section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 of the same Act which places a duty on Local Planning Authorities when determining planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The extension would not be considered to preserve, and the removal of historic fabric and its larger replacement would not usually be considered as an enhancement of the character or appearance.

9.13 The proposal would have to be considered against legislation, national policy and local documents.

9.14 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local planning Authorities under;

Section 16 of the Act that *In considering whether to grant listed building consent for any works the local planning authority or 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.* The extent of historic fabric removal is duly noted included elements previously and currently considered as being of high significance, i.e. the ground floor layout at the Broad Street frontage, the librarian stairs, the vaulted ceilings.

9.15 Section 66 *“In considering whether to grant planning permission [or permission in principle] 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.”*

The loss of features of special architectural or historic interest is noted and in terms of setting, it is not sufficient to merely consider the impact of the setting of listed buildings the local planning authority has a duty to have **special regard**. The Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Parliament’s intention was that ‘decision makers should give **“considerable importance and weight”** to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

<http://www.bailii.org/ew/cases/EWCA/Civ/2014/137.html>

9.16 Section 72 requires Local Planning Authorities, in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The House of Lords in the South Lakeland case decided that the *“statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”*

https://www.preston.gov.uk/media/11325/G6-cd-6-15-south-lakeland-district-council-v-sse-and-another-respondents-house-of-lords-30-jan-1992/pdf/G6_c-d-6-15-south-lakeland-district-council-v-sse-and-another-respondents-house-of-lords-30-jan-1992.pdf?m=637927813943870000

9.17 The proposed works to the roof would not be considered as preservation, and as such the duty is to enhance the character or appearance of the conservation area. Historic England provide guidance on this matter, "*in a number of ways the policies in the NPPF seek positive improvement in conservation areas. Most explicitly paragraphs 197 and 206 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". The design policies further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding 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 (paragraph 134).*

<https://historicengland.org.uk/advice/hpg/decisionmaking/legalrequirements/>

9.18 Whilst noting the design aspirations, it is not conclusive that additional floors so designed would make a positive contribution to local character and distinctiveness, as it is markedly different to the local character and distinctiveness of the city skyline, and outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area are permissible only as far as they fit in with the overall form and layout of their surroundings. It is not considered that the roof height and in particular the proposed beacon would necessarily fit in with the overall form and layout of its surroundings.

9.19 National legislation is repeated in local policies and document's

9.20 Core Strategy Polices in LD4 require the Protection, conservation and where possible enhancement of heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. However Hereford city skyline is protected by Core Strategy Policies including HD2 which requires new developments to enable the protection conservation and enhancement of Hereford's heritage assets, their significance and setting, including archaeology, with particular regard to the historic street patterns and the skyline.

9.21 Hereford Design Guide SPD in the first section on skyline references the flat tower of the cathedral and the 2 church spires visible from strategic views surrounding the city, and that this trilogy of townscape markers shapes long views to the city's skyline and the relationship between these should be maintained and carefully considered as new developments come forward. This does not mean that new additions cannot contribute positively to the skyline but they should not interfere with the harmony of the composition or the prominence of the trilogy. The proximity of the beacon tower to the cathedral and All Saints is duly noted and it is considered that the height and position would interfere with the harmony of composition.

9.22 The Design Guide identifies areas which could accommodate changes to the skyline which exclude the central conservation area, and provides 3 key considerations. New development should not:

- Cause an unacceptable impact through overbearing scale in the foreground or background of existing landmarks;
- Cause an unacceptable impact in the direct foreground or background of existing landmarks by masking or overlapping these; or
- Cause unacceptable impact within the 'trilogy' setting of the key landmarks.

9.23 The scale of the development when viewed from King Street/Barton Street has previously been identified. Key view 3 as identified in the Visual Impact Assessment identifies that the view of the cathedral will be interrupted by the beacon tower, and key view 17 illustrates the view from Riverside Walk. The skyline viewed from the south is dominated by the cathedral tower and the spire of All Saints Church, with the rooftops and chimneys below. Key views, 9,10, 11,12, 13,14,15,16, all illustrate how the proposal would project above the rooftops usually between All

Saints Spire and the Cathedral and therefore have an impact on the 2 prominent landmarks of the skyline.

9.24 The significance of the city's skyline has been repeated in many documents most recently the Hereford City Draft Masterplan which identifies that the skyline remains as it has been for centuries dominated by the cathedral and city centre churches. As such the erosion of that historical skyline should be carefully considered.

10.1 Step 4. Explore the way to maximise enhancement or minimise harm

10.2 Step 4 enables a consideration as to whether harm identified by the previous steps can be minimised.

10.3 Whilst noting the fact that for ease of identification and therefore consideration the proposed works have been helpfully been identified as yellow in the Visual Impact Assessment, However the materials will be slate corten steel and glass beacon. Due to its location the glass beacon tower will be the most visible element of the proposal when viewed from all identified locations, and the size, flat roof and materials will make this structure not be absorbed in to the lower roofline of the neighbouring buildings.

10.4 The roof extension will also be visible from many viewpoints rising above the roofline of listed buildings in Wye Terrace, Bridge Street and King Street. However whilst a very large structure the slate material palette could potentially recede and be absorbed into the roof scape. However this is in terms of the building itself, and the illusion of a pitched roof is lost when the roof terrace is occupied with people viewing over the parapet, and any installations on the roof, such as planting or seating that would be required. Therefore such a feature of the height proposed in such a sensitive and visible location requires careful consideration. However the building is a public building bequeathed to the city, and noting the business model and the rationale for the roof terrace, the degree of public benefits in respect of the heritage and understanding of the history of the city by enhanced museum facilities are duly recognised. As such it is considered that with revisions to the details of the walls to the rear 1912 extension that the harm identified could be lessened. I would refer to section 4 of the Hereford Design Guide page 50 that advises that terraces, green roofs or rooftop gardens should take into account of their visibility from ground level. Noting the height of the parapet its is considered that people and planting will be visible from the ground.

10.5 However in terms of the Beacon Tower, its height, size, design and materials will render this feature as a modern intrusion in to the historic skyline to a degree that could not be supported and would be considered to be contrary to national legislation, policy, guidance and Core Strategy Policies HD2, LD1 and LD4.

10.6 In addition the size of the beacon tower is noted when considering the new firth floor, and it takes up around a third of the floor space of exhibition space 05-006. The stairs are very wide, with a central 2 storey void, creating a structure that is large for its function as a staircase. Drawing number LP2302-FIR-00-ZZ-DR-L-2001 illustrates the amount of roof terrace that would be taken up by the stairwell to reach the roof terrace. Whilst noting that this also includes a viewing area, presumably to view in inclement weather, the visibility of the actual subject matter being viewed in inclement weather is also noted. The main viewing area is to the south, and the views to the cathedral are from many places on the roof terrace obscured by the viewing beacon.

10.7 Given the harm to the city skyline and the harm to the city skyline that would result from the observation beacon tower it is recommended that this observation beacon be removed from the proposal with an alternative access to the roof terrace, ideally one that did not require an additional

structure on top of the roof terrace. However should a structure be required and justified it should be the minimum required and also sited to minimise the impact. It is assumed that both stairs and a lift are required in terms of fire safety. Given the complexity between the levels of the site and the height of existing rooms it is appreciated this will not be a simple solution. However, one solution could be to omit education space on the 5th floor, and extend the external café seating across into this section of the building on the southern elements, with the colonnade extending across education space 05-006, to create a separate education space if required that could have doors onto a roof terrace such as the lower terrace. Noting the size of the viewing beacon on the 5th floor and the roof terrace, it is not considered that the space lost by the omission of the education space and the lowering of the roof terrace to the floor below (with extended colonnade) would reduce the useable space by a great degree, however would be a less harmful scheme in terms of the city's skyline, being set back from the southern elevation.

10.8 As such amended plans are requested to aid in the mitigation of the harm identified to the city's skyline.

Appendix 4: Drawing numbers

10265	ART	XX	XX	DR	A	40001	Location Plan	P01
10265	ART	XX	XX	DR	A	40002	Existing Site Plan	P01
10265	ART	XX	XX	DR	A	40003	Proposed Site Plan	P02

Existing Drawings

10265	ART	XX	B1	DR	A	40100	Existing Basement Plan	P01
10265	ART	XX	00	DR	A	40110	Existing Ground Floor Plan	P01
10265	ART	XX	01	DR	A	40120	Existing First Floor Plan	P01
10265	ART	XX	02	DR	A	40130	Existing Second Floor Plan	P01
10265	ART	XX	03	DR	A	40140	Existing Third Floor Plan	P01
10265	ART	XX	04	DR	A	40150	Existing Fourth Floor Plan	P01
10265	ART	XX	05	DR	A	40160	Existing Fifth Floor Plan	P01
10265	ART	XX	RF	DR	A	40170	Existing Roof Plan	P01
10265	ART	XX	XX	DR	A	44200	Existing Sections	P01
10265	ART	XX	XX	DR	A	42300	Existing Elevations	P01

Proposed General Arrangement Drawings

10265	ART	XX	B1	DR	A	41100	Proposed Basement Plan	P06
10265	ART	XX	00	DR	A	41110	Proposed Ground Floor Plan	P03
10265	ART	XX	01	DR	A	41120	Proposed First Floor Plan	P03
10265	ART	XX	02	DR	A	41130	Proposed Second Floor Plan	P03
10265	ART	XX	03	DR	A	41140	Proposed Third Floor Plan	P03
10265	ART	XX	04	DR	A	41150	Proposed Fourth Floor Plan	P03
10265	ART	XX	05	DR	A	41160	Proposed Fifth Floor Plan	P04
10265	ART	XX	RF	DR	A	41170	Proposed Roof Plan	P03
10265	ART	XX	XX	DR	A	45200	Proposed Sections	P04
10265	ART	XX	XX	DR	A	43300	Proposed Elevations	P02
10265	ART	XX	XX	DR	A	43301	Illustrated Elevations	P03
10265	ART	XX	XX	DR	A	43302	Illustrated Elevations	P03
10265	ART	XX	XX	DR	A	43303	Illustrated Elevations	P03
10265	ART	XX	XX	DR	A	43304	Illustrated Elevations	P03

Fabric Removal Drawings

10265	ART	XX	B1	DR	A	11102	Basement Fabric Removal Plan	P05
10265	ART	XX	00	DR	A	11113	Ground Floor Fabric Removal Plan	P04
10265	ART	XX	01	DR	A	11122	First Floor Fabric Removal Plan	P03
10265	ART	XX	02	DR	A	11132	Second Floor Fabric Removal Plan	P03
10265	ART	XX	03	DR	A	11142	Third Floor Fabric Removal Plan	P03
10265	ART	XX	04	DR	A	11152	Fourth Floor Fabric Removal Plan	P03
10265	ART	XX	05	DR	A	11162	Fifth Floor Fabric Removal Plan	P03
10265	ART	XX	RF	DR	A	11172	Roof Level Fabric Removal Plan	P03
10265	ART	XX	XX	DR	A	12220	Proposed Fabric Removal Sections	P03
10265	ART	XX	XX	DR	A	13320	Proposed Fabric Removal Elevations	P03

Finishes Drawings

10265	ART	XX	XX	DR	A	15100	Proposed Floor Finishes (sheet 1 of 2)	P05
10265	ART	XX	XX	DR	A	15101	Existing Floor Finishes (sheet 1 of 2)	P01
10265	ART	XX	XX	DR	A	15200	Proposed Floor Finishes (sheet 2 of 2)	P04
10265	ART	XX	XX	DR	A	15201	Existing Floor Finishes (sheet 2 of 2)	P01
10265	ART	XX	XX	DR	A	14400	Proposed Reflected Ceiling Plan (sheet 1/2)	P05
10265	ART	XX	XX	DR	A	14410	Proposed Reflected Ceiling Plan (sheet 2/2)	P05

Schedules

10265	ART	XX	XX	DR	A	22600	Proposed & Retained Window Schedule	P04
10265	ART	XX	XX	DR	A	22601	Schedule of Windows being Removed	P03
10265	ART	XX	XX	DR	A	22610	Window Types Drawing (Sheet 1 of 2)	P03
10265	ART	XX	XX	DR	A	22611	Window Types Drawing (Sheet 2 of 2)	P04
10265	ART	XX	XX	DR	A	22612	Window Types Being Removed	P03
10265	ART	XX	XX	DR	A	22620	External Doors Schedule	P04
10265	ART	XX	XX	DR	A	22621	External Door Schedule (doors removed)	P01
10265	ART	XX	XX	DR	A	22640	Exterior Curtain Walls	P03
10265	ART	XX	XX	DR	A	27600	Internal Door Schedule	P05
10265	ART	XX	XX	DR	A	27601	Internal Door Assemblies (sheet 1)	P05

10265	ART	XX	XX	DR	A	27602	Internal Door Assemblies Sheet 2	P05
10265	ART	XX	XX	DR	A	27610	Removed Internal Doors Schedule	P03
10265	ART	XX	XX	DR	A	27620	Internal Screens Schedule	P03

Heritage Drawings

10268	ART	XX	00	DR	A	16101	Heritage Plans (Entrance Area One)	P01
10269	ART	XX	00	DR	A	16102	Heritage Plans (Entrance Area Two)	P01
10270	ART	XX	00	DR	A	16103	Heritage Plans (Entrance Area Three)	P01
10271	ART	XX	00	DR	A	16104	Heritage Plans (Entrance Hall Sheet 1)	P01
10272	ART	XX	00	DR	A	16105	Heritage Plans (Entrance Hall Sheet 2)	P01
10273	ART	XX	00	DR	A	16106	Heritage Plans (GF&FF Central Library 1)	P01
10274	ART	XX	00	DR	A	16107	Heritage Plans (GF&FF Central Library 2)	P01
10275	ART	XX	00	DR	A	16108	Heritage Plans (GF&FF Central Library 3)	P01
10276	ART	XX	00	DR	A	16109	Heritage Plans (GF&FF Central Library 4)	P01
10277	ART	XX	00	DR	A	16110	Heritage Plans (GF&FF Central Library 5)	P01
10278	ART	XX	00	DR	A	16111	Heritage Plans (GF&FF Rear Library Sheet 1)	P01
10279	ART	XX	00	DR	A	16112	Heritage Plans (GF&FF Rear Library Sheet 2)	P01
10280	ART	XX	00	DR	A	16113	Heritage Plans (GF&FF Rear Library Sheet 3)	P01
10282	ART	XX	00	DR	A	16115	Heritage Plans (GF&FF Rear Library Sheet 5)	P01
10283	ART	XX	00	DR	A	16116	Heritage Plans (GF&FF Rear Library Sheet 6)	P01
10284	ART	XX	00	DR	A	16117	Heritage Plans (Woolhope Room)	P01
10289	ART	XX	00	DR	A	16122	Heritage Plans (3rd Floor Central Exhibition S1)	P01
10290	ART	XX	00	DR	A	16123	Heritage Plans (3rd Central Exhibition S2)	P01
10291	ART	XX	00	DR	A	16124	Heritage Plans (3rd Central Exhibition S3)	P01
10292	ART	XX	00	DR	A	16125	Heritage Plans (3rd Floor Central Exhibition S4)	P01
10293	ART	XX	00	DR	A	16126	Heritage Plans (3rd Floor Rear Exhibition S1)	P01
10294	ART	XX	00	DR	A	16127	Heritage Plans (3rd Floor Rear Exhibition S2)	P01
10295	ART	XX	00	DR	A	16128	Heritage Plans (3rd Floor Rear Exhibition S3)	P01
10296	ART	XX	00	DR	A	16129	Heritage Plans (3rd Floor Rear Exhibition S4)	P01
10297	ART	XX	00	DR	A	16130	Heritage Plans (4th Floor Front Room One)	P01
10298	ART	XX	00	DR	A	16131	Heritage Plans (4th Floor Front Room Two)	P01
10299	ART	XX	00	DR	A	16132	Heritage Plans (4th Floor Front Room Three)	P01
10300	ART	XX	00	DR	A	16133	Heritage Plans (4th Floor Front Room 4 & 5)	P01
10301	ART	XX	00	DR	A	16134	Heritage Plans (5th Floor Front Rooms S1)	P01
10302	ART	XX	00	DR	A	16135	Heritage Plans (5th Floor Front Rooms S 2)	P01
10303	ART	XX	00	DR	A	16136	Heritage Plans (5th Floor Front Rooms S 3)	P01
10304	ART	XX	00	DR	A	16137	Heritage Plans (5th Floor Front Rooms S 4)	P01

Details

10265	ART	XX	RF	DR	A	24500	Glass Balustrade Detail	P01
10265	ART	XX	XX	DR	A	45500	Section AA Elevation Planning	P02
10265	ART	XX	XX	DR	A	45505	Section BB Elevation Planning	P03
10265	ART	XX	XX	DR	A	45510	Section CC Elevation Planning	P03
10265	ART	XX	XX	DR	A	45515	Section DD Elevation Planning	P02
10265	ART	XX	XX	DR	A	45520	Section EE Elevation Planning	P02
10265	ART	XX	XX	DR	A	45525	Section FF Elevation Planning	P02

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JULY 2024
TITLE OF REPORT:	<p>240980 - APPLICATION FOR VARIATION OF CONDITION 2 OF PERMISSION P230283/L (ENGINEERING WORKS TO REINFORCE MORDIFORD BRIDGE AT FLOOD ARCH NO.2 AND NO.3. THE WORKS WILL INVOLVE DISMANTLING THE EXISTING PARAPET; CASTING A NEW REINFORCED CONCRETE CORE AGAINST THE EXISTING UPSTREAM SPANDREL WALL; EXTENDING THE NEW CONCRETE WALL INTO THE PARAPET; AND AT MORDIFORD BRIDGE, MORDIFORD, HEREFORDSHIRE, HR1 4LN</p> <p>For: Herefordshire Council per Emma Redfern, 100 Wharfside Street, The Mailbox, Level 2, 100 Wharfside Street, Birmingham B1 1RT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240980
Reason Application submitted to Committee - Council Application	

Date Received: 9 April 2024

Ward: Backbury

Grid Ref: 356891,237502

Expiry Date: 4 June 2024

Local Members: Cllr Graham Biggs

1. Site Description and Proposal

- 1.1 Mordiford Bridge is located to the West of Mordiford and within the Mordiford Conservation Area and is also identified as a Grade II listed asset. The bridge is coursed and dressed sandstone rubble. The site is located within the River Wye SAC and SSSI impact Zone.
- 1.2 The proposed amendment to the already approved reinforcement works (Application P232083 refers) involves the placing of a new concrete wall in front of the cutwater stones, which would remain in situ. The new concrete wall would be faced with new stone, cut and dressed to replicate the historic stones which would be protected in perpetuity with a protective membrane between them and the concrete wall.

2. Policies

- 2.1 Herefordshire Local Plan Core Strategy 2011- 2031 (CS)

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- SS6 - Environmental quality and local distinctiveness
- LD1 - Landscape and townscape
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency

2.2 Hampton Bishop Neighbourhood Development Plan:

- HB4 - Protecting Heritage Assets and Archaeology
- HB8 - Landscape Design Principles

2.3 National Planning Policy Framework

- 2. Achieving Sustainable Development
- 4. Decision-Making
- 12. Achieving Well-Designed Places
- 15. Conserving And Enhancing The Natural Environment
- 16. Conserving And Enhancing The Historic Environment

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 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 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 P230283/L- Engineering works to reinforce Mordiford Bridge at flood arch No.2 and No.3. The works will involve dismantling the existing parapet; casting a new reinforced concrete core against the existing upstream spandrel wall; extending the new concrete wall into the parapet; and cladding the exposed concrete with masonry to match the existing bridge. Approved with Conditions

4. Consultation Summary

Statutory Consultations

4.1 Historic England

Thank you for your letter of 24 April 2024 regarding the above application for listed building consent.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Internal Council Consultations

4.2 **Principal Building Conservation Officer- No Objection**

The submitted variation of condition is supportable as the proposed design amendment relates to the retention of the historic cutwater stones and their replication with new cutwater stones as per the approach previously approved for the voussoir and spandrel stonework.

As such, the less than substantial level of harm identified in previous heritage comments for the extant scheme remains the same for this variation application, and the great weight this attracts should be balanced against any public benefits.

Conditions

CH3 - MASONRY SAMPLE

No works in relation to above ground demolition, or construction of the new reinforcing wall, or stone slip facing wall with new cutwater stones, shall commence until a sample cutwater stone, carved, fully hand tooled, and finished, and of the exact dimensional form proposed has been provided on site for inspection against the historic cutwater stone it will replicate.

Confirmation of the materials, dimensions and finished appearance shall be approved in writing by the Local Planning Authority and carried out accordingly.

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

5. **Representations**

5.1 Hampton Bishop Parish Council

No comments provided at the time of writing

5.2 Third Party Representations

1 objection of objection has been received. The

- Concern over structural integrity
- Concern over repair work previously undertaken
- Concern that insufficient justification has been provided for the works
- Concern over impact with regard to ecology
- Concern over pedestrian use
- Disagreement with Heritage Impact Assessment

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=240980

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 made Hampton Bishop Neighbourhood Development Plan (HBNDP), and the National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 As an amendment to the previously approved Listed Building Consent for works to the bridge, the principle of reinforcing it have been established and this acceptability of this application therefore relates to the an assessment of its impact upon the character and setting of the identified heritage assets; any associated visual impact and the potential implications upon the River Lugg in terms of its SAC, SSSI and SWS status.

Impact upon Historic Assets

6.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "When 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

6.5 Core Strategy Policy LD4 states that heritage assets should be protected, conserved and where possible enhanced, emphasising the original form and function where possible. Development proposals should seek the retention and repair of heritage assets

6.6 Policy HB4 of the NDP, pertaining to the historic environment and its management, require the conservation and enhancement of heritage assets.

6.7 Chapter 16 of the NPPF discusses the requirements to maintain heritage assets, and that they should be conserved in a manner appropriate to their significance.

6.8 The proposal falls within the Mordiford Conservation Area, the Local Planning Authority has undertaken its statutory duties as prescribed within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal has been reviewed by the Principal Building Conservation Officer who has concluded that the proposal would not have an adverse impact upon the Conservation Area.

6.9 The proposal seeks to retain the historic cutwater stones and replicate these in line with the approach approved for the voussoir and spandrel stonework. As highlighted by the Principal Building Conservation Officer the proposal is deemed to result in less than substantial harm to the Grade II listed asset. In line with Paragraph 214 of the National Planning Policy Framework it is noted that the public benefits associated with the proposed engineering works to secure the long term viability of the structure provide both economic and social benefits which together with ensuring the Grade II listed asset is retained is considered to outweigh the less than substantial harm that has been identified.

Landscape, Design and Appearance

- 6.10 CS Policy LD1 is of relevance to this proposal, and 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
- 6.11 Policy SD1 of the CS states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development.
- 6.12 HBNDP policy HB8 Development proposals should seek to protect and enhance the character of the village both within and outside the conservation area. The demolition of buildings and structures that contribute to the character and appearance of the conservation area will be resisted.
- 6.13 The proposed amendment would not adversely impact the wider landscape nor the overall appearance of the Grade II listed asset given its limited scale and visibility and it is considered that the proposal would represent a more sympathetic alteration than previously approved. As such the proposal therefore does not raise concerns with regard to landscape nor appearance of the bridge.

Other matters

- 6.14 It is not within the remit of this Listed Building Consent application to consider the impact upon water resources and potential ecological, nor the highways impacts of the proposal as this is an amendment to the Listed Building Consent only. These are matters that in the context of this proposal will be regulated by other legislation including the Wildlife and Countryside Act and the Highways Act. Notwithstanding this, attention is drawn to the previously determined and extant application P230283/F in which these issues were reviewed.

Conclusion

- 6.15 The application seeks to vary condition two of P230283/L under Section 19 of the Planning (Listed Building and Conservation Area) Act 1990 and in this regard should replicate the relevant conditions from the original listed building consent and, where these have been discharged, will be reworded to require compliance with the approved plans. The application has been referred to Planning Committee on the basis that it is a Council owned development for which there is a material objection in line with Section Five, 3.5.4 of the Herefordshire Council Constitution.
- 6.16 Having assessed the application against the development plan as well as the duties imposed under Sections 66, and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is therefore concluded that the proposed amendment to the scheme be recommended for approval

RECOMMENDATION

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. The works shall be carried out strictly in accordance with the approved plans (70097406-WSP-SK001 and 70097406-WSP-SBR-SWI-DE-CB-001 Rev.A), except where otherwise stipulated by conditions attached to this consent.**

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.

- 2. No works in relation to above ground demolition, or construction of the new reinforcing wall, or stone slip facing wall with new cutwater stones, shall commence until a sample cutwater stone, carved, fully hand tooled, and finished, and of the exact dimensional form proposed has been provided on site for inspection against the historic cutwater stone it will replicate.**

Confirmation of the materials, dimensions and finished appearance shall be approved in writing by the Local Planning Authority and carried out accordingly.

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.

- 3. No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until details listed below are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with the approved details.**

- **Petrographic survey of existing stonework to inform appropriate stone type for new stone slip walling;**
- **Photogrammetric survey of existing stonework to inform appearance of new stone slip walling;**
- **1:20 elevation(s) of new stone slip facing walls, illustrating proposed stone slip sizes, shapes, coursing arrangements and re-used cutwater tooled stones;**
- **Samples of new stone types to be utilised for new stone slip walling; and**
- **Details of materials and methods to be used to infill removed cutwater tooled stones, and as shown on drawings, to a scale of 1:20.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building, in line 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. No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until sample panels of all new facing stonework is provided on site at a minimum size of 1m x 1m for the parapet wall, and 2m x 2m for the spandrel walls, and showing the proposed stone types, sizes, colour, texture, face-bond, mortar mix, joint thickness and finish profile.**

Confirmation of the materials and methods shall be approved in writing by the Local Planning Authority and carried out accordingly. The approved sample panels shall be retained on site until the work is completed.

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 line with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 5. A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule.**

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

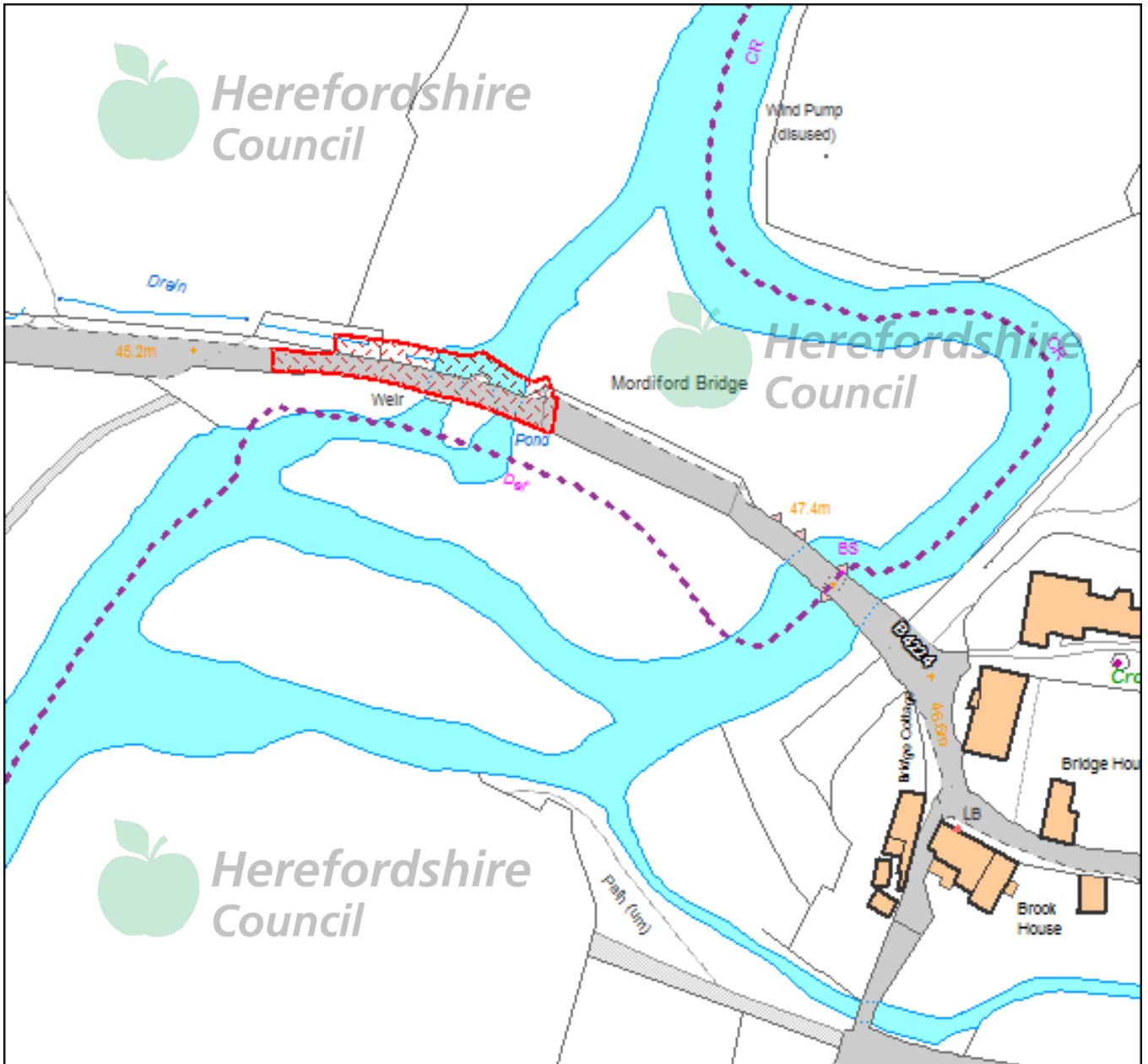
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 240980

SITE ADDRESS : MORDIFORD BRIDGE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JULY 2024
TITLE OF REPORT:	<p>163932 - PENDING S106 AGREEMENT - 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 AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE</p> <p>For: The Owner and/or Occupier per Russell Smith, 119 Promenade, Cheltenham, GL50 1NW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee – Officer Request for amendment to resolution	

Date Received: 7 December 2016 Ward: Bromyard West Parish: Bromyard

Expiry Date: 30 November 2023

Local Member: Cllr Clare Davies (Bromyard West)

1.0 INTRODUCTION

- 1.1 The purpose of the report is to seek authorisation from the Planning & Regulatory Committee to agree a further 4 months from the date of the Planning Committee, to finalise and complete a Section 106 agreement pertaining to application 163932.
- 1.2 It should be noted that there are no changes to the proposed development. Members should refer to the Officer Report considered by the Planning Committee on 17 January 2024 (**Appendix 1**).
- 1.3 The minutes of the Planning Committee meeting with respect to this application are accessible via the Herefordshire Council website and the following link; - <https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8915&Ver=4>

2.0 Extension of time for Section 106 negotiations

- 2.1 This Planning & Regulatory Committee resolved, on 17 January 2024, *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*

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

- *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.

Therefore, the resolution has given authorisation to negotiation a Section 106 agreement and ensure its completion within 6 months of the date of the Planning Committee. This is generally common practice and as to assist in the issuing of decisions expeditiously. However, from time-to-time, issues arising with signing agreements, owing to ongoing discussions, which result in delay.

In this particular case, since the date of the resolution, progress has been made. However, discussions are ongoing with respect to the obligations related to the purchase of phosphate credits. The Council are in the process of reviewing the position and preferred approach to the purchase of the required credits as advanced by the applicant.

At present, officers have no authority to negotiate past the 6-month period (expiring 17 July 2024), as the Planning & Regulatory Committee's resolution directs that the application may be refused permission in the event that they are not completed within time.

Officers support and would request this reasonable period of time and note that an agreement is in circulation with ongoing dialogue between the applicant and the authority. This extension will enable continued negotiation on the Section 106 agreement, to facilitate outline planning permission being granted for the strategic site.

3.0 CONCLUSION

- 3.1 In conclusion, while progress has been made on the Section 106 agreement since the committee's resolution on 17 January 2024, ongoing discussions regarding phosphate credits have caused delays. Given that officers currently lack the authority to extend negotiations beyond the 6-month period, it is recommended to allow a further reasonable period for negotiation. This would support the granting of outline planning permission for this strategic site

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement by 17 November 2024 to secure

- **Contributions as set out / required**
- **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

If the agreement is not completed by 17 November 2024, but reasonable progress has been made, delegated authority is granted to the Development Management Service Manager to continue negotiation and finalise the agreement and issue the decision.

However, if in liaison with the Ward Councillor and Chairperson of the Planning and Regulatory Committee it is the opinion of the Development Management Service Manager that no progress has been made is made by 17 November 2024, the application may be refused based on the failure to complete a Section 106 agreement, which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy

ID1 of the Herefordshire Local Plan – Core Strategy and the Council’s Supplementary Planning Document – Planning Obligations.

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**

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

- 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

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

- 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 construction 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:

- Aims and objectives of the scheme;
- 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 compliment 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 dwelling within any phase of residential development hereby permitted, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

- 23 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.

- 24 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

- 25 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.

- 26 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 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

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

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

- 28** 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

- 29** 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

- 30** 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.

- 31** 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.

- 32** 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.

- 33** 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.

- 34** 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.

- 35** 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.

- 36** For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.

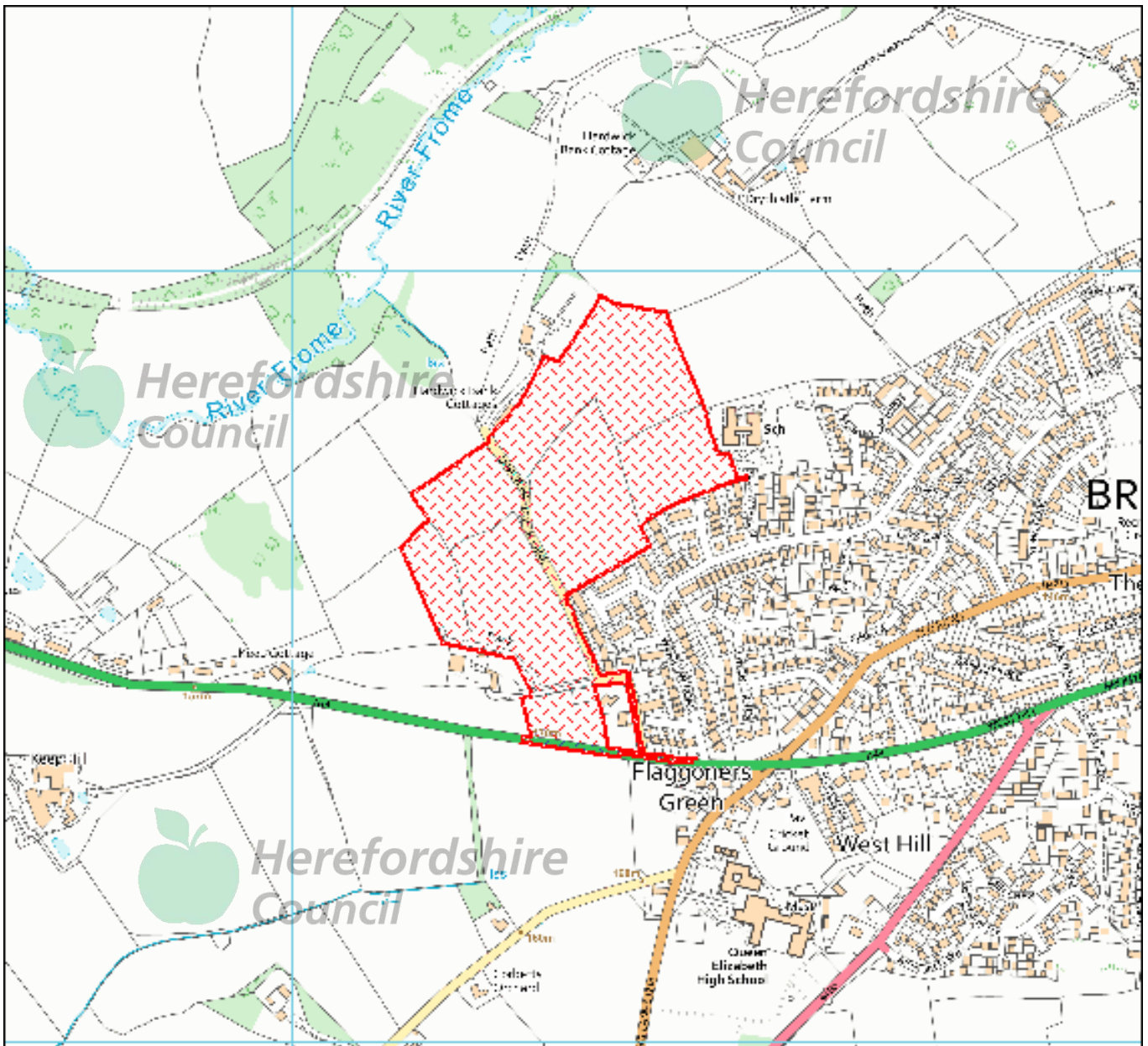
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Background Papers

None identified.

List of Appendices:

Appendix 1 – Officer Report (17 January 2024)



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2024
TITLE OF REPORT:	<p>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,</p> <p>For: Vistry Homes Limited and Mosiac Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee - Redirection	

Date Received: 7 December 2016 Ward: Bromyard West Grid Ref: 364358,254665

Expiry Date: 30 November 2023

Local Members: Cllr Clare Davies

1. SITE DESCRIPTION

- 1.1 The application site totals approximately 11.9 hectares of agricultural land known as 'Hardwick Bank' which is situated to the northwest of Bromyard. It is dissected by 'Upper Hardwick Lane' and is flanked to the east by established post-war housing off Winslow Road, including Broxash Close, Flaggoner's Close, Hardwick Close, Damson Tree Close and Cherry Tree Close (off which is St Peter's Primary School which also bounds the site), – most of which are two-storey semi-detached or terraces with gardens abutting the site (or Upper Hardwick Lane). The site is adjoined by further agricultural land and Upper Hardwick Cottages to the north, with the site neighbouring Stonehouse Farm to the southwest, to which access is taken from Upper Hardwick Lane.

The site essentially comprises six parcels of grazing pasture land and is undulating, rising steeply from the sites southern boundary with the A44 before falling away to the north and Upper Hardwick Lane, affording extensive views. An existing public right of way (PRoW) WN2 provides a link from Damson Tree Close through the site, connecting with Upper Hardwick Lane. There are no designated heritage assets or national landscape designations on, or immediately adjacent to the site. The entirety of the site is located within Flood Zone 1, although is located within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).

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

2. PROPOSAL

This application seeks outline planning permission to develop land at Hardwick Bank, Bromyard for up-to 250 dwellings. The application also seeks approval of the layout and means of access. It is a substantive revision of the original iteration deposited in 2017 which was made in outline with access for up-to 500 dwellings and extended beyond the current bounds of the application site in an easterly direction to Tenbury Road.

The proposal includes open space, allotments and landscaping together with school expansion land to the east of the site, adjacent to the boundary of the site with St Peter's Primary School. The development would include a main spine road, taking access from the A44 (Worcester – Leominster) to the west of the town. This would be flanked by a 2-metre footway through the main part of the site, as well as a 3-metre shared foot-cycleway providing a link to Cherry Tree Close. The development also links to existing PRowS, namely that connecting the site to Damson Tree Close and the northern terminus of Upper Hardwick Lane. The layout provides for a higher density of development to side the main spine-road, with lower density pockets of development closer to the site's edges and where it meets with the open-countryside to the north and west. The proposal includes associated drainage infrastructure which principally include 2no. attenuation basins to the north and south ends of the site.

The proposal looks to provide a mix of open-market and affordable housing provision. It is envisaged that 40% of the policy required affordable housing would be secured through a Section 106, with a further 10% delivered through grant funding as additionality units.



Figure 1 – Composite Site Plan

3. PLANNING POLICY

3.1 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
BY1	Development in Bromyard
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

3.2 National Planning Policy Framework (December 2023)

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
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
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

4. HISTORY

4.1 None relevant

5. CONSULTATION SUMMARY

As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the consultation responses received in relation to the revised submission (up to 250 dwellings) received in 2023 are provided, unless previous consultation responses remain relevant (i.e where circumstances are not altered by the revision or where they provide context to the 2023 consultation responses).

Where comments are particularly long or comprise large tables, these are included as appendices as referenced within.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

5.1 HC Built and Natural Environment Team (Ecology)
21/9/23 – no additional biodiversity ecology comments.

24/5/23 - These comments do not include Phosphate Credits/Nutrient Neutrality or required HRA Appropriate Assessment.

The updated ecological appraisal by The Environmental Dimension Partnership ref edp2364_r009a dated December 2022 is noted and refers.

This report includes reference to several previous ecological surveys completed over the extended period of this application and further additional 'refresh' surveys now utilised in the preparation of this report. There is thus a significant depth and spread of survey results on which this current report is based.

All relevant and appropriate general and species surveys appear to have been completed and this current report appears appropriately detailed and relevant to the proposed development site now revised down in scale from that originally submitted (500 down to 250 new homes). It is noted that this development may be further divided in specific Phases and comments are made accordingly.

The ecology report identifies some specific areas of specific ecological interest and the presence of small populations of some Protected Species (eg Reptiles) and general use of the site by other protected species such as multiple bat species. There are also identified ecological hotspots – often associated with existing wildlife corridors formed by hedgerows and trees.

The overall 'Illustrative Ecological Masterplan' ref edp2364_d047c dated 20th December 2022 provides a clear overview of the proposed areas to be retained and enhanced and additional new open space and natural-semi-natural greenspace and wildlife corridors that will be created across the final completed development.

This masterplan provides sufficient detail to support the more detailed information in the report to demonstrate that there will be no net loss of biodiversity and that subject to specific ecological working methods there will be no effect on local protected species populations. If the development is subject to phasing the ecological plan and proposed enhancements should be completed as part of Phase 1 to ensure that all biodiversity mitigation and habitats supporting local protected species populations are implemented so as to ensure there are no effects; and ensure mitigation features are established and in place in advance of being required for subsequent phases of the development.

A final fully detailed Landscape Ecological Management Plan (plans, specifications, creation methodology and minimum 30 year establishment-management scheme) to cover all phases of development should be secured as a pre-commencement condition and once approved implemented in full during Phase 1 of the development. Relevant condition required. The applicant is reminded that spikey-thorny species should not be located adjacent to any highway, footway or formal public open space/play for safety reasons (Highway Design Guide compliance) and it is suggested that the same is applied to domestic curtilages for safety of the occupants and their families.

Prior to each phase of development an updated Construction Environmental Management Plan – covering all potential environmental effects of that phase of construction (eg machinery use, materials, transport, noise, light. Dust) and including all relevant detailed ecological working methods should be supplied for approval by the planning authority. This CEMP should also fully consider all movement and storage of soils and potential sediment and nutrient wash-out – relevant mitigation methods should be clearly detailed (this aspect of the CEMP will be required through the separate HRA process). As necessary each Phase will require an updated ecological assessment to support the phases' CEMP. Relevant condition required

Prior to each phase of the development and based on final layout and plans for homes approved a detailed scheme detailing locations and specifications for 'hard' habitat enhancements to be built into, or attached, to new dwellings such as at a minimum a meaningful provision of bat roosting bricks/boxes, bird boxes including provision for house 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 for approval by the LPA. It is anticipated that the majority of dwellings in each phase will be suitable to support some form of 'hard' habitat enhancement. Relevant condition required

For private dwelling private lighting should be controlled to minimise effects on local dark skies and foraging/commuting of light sensitive nocturnal species (including protected species such as known local bat populations). A suggested condition would be:

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

All 'public' lighting should be designed with dark skies and ecology interests in mind and street lighting should be directional down-lighting luminaires and have a 'warm' colour temperature (under 3000 Kelvin). The same proportional dimming system across the period of darkness as previously utilised by the council would be welcomed to further reduce any effects of new lighting.

5.2 HC Built and Natural Environment Team (Open Spaces Planning Officer)

6/7/23 –

Open Space Evidence Bases: As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023 (to note although complete it is not as yet published on the planning website).
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

On site POS/Green Infrastructure:

Quantum: It is noted in the Planning Statement that the proposed development incorporates 3.76ha of GI which includes opportunities for equipped play and trim trial equipment, allotments and orchards which accords with CS policies OS1 and OS2 and standards of provision previously set out and is in excess of the standards set out in my 2017 comments for 250 houses.

It also accords with the Open Space Assessment, Strategy and Action Plan 2023 which recommends in particular for Bromyard given deficiencies in provision of both accessible greenspace and provision for teenagers and children

- The creation of more open space, particularly larger areas of amenity or natural and semi-natural greenspace which offers a range of formal and informal activities.
- Explore the opportunity to introduce doorstep and local provision for children and teenagers, including equipped play and informal play spaces

Quality/Accessibility: It is acknowledged that there is improvement to the layout compared with the pre-app sketch from last year. The site now proposes the following which are welcomed:

- Circulatory pedestrian connections provided as part of the GI to provide connectivity throughout the site
- POS provided to support social interaction, to include play-scape opportunities, informal picnic areas and community gardens.
- Key crossing providing a green connection between the eastern and western parts of the development
- House frontages to all public areas to ensure good secure design principles are endorsed
- Cross connectivity between east and west green spaces achieved by utilising a short section of Hardwick Lane. A direct connection is not possible given the juxtaposition of ground levels.

It is however understood that although this is an outline application, the applicant is seeking approval for the detailed layout and in discussion with the Council's Landscape Officer the following issues are hi-lighted in order to raise standards.

- **CENTRAL POS**
 - This does not need to be a "formal park" as included in CS policy BY2 - the latest 2023 Open Space Assessment supports multifunctional open space.
 - Poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs.
 - The access across Hardwick Lane is welcome.
 - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space.
 - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance
- **LARGE BALANCING POND**
 - Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
 - The SuDs basin will have a maximum of 1:4 side slopes. This is supported as 1:3 is the minimum for health and safety of standing water if located in POS.
- **ALLOTMENTS**
 - the latest evidence base Open Space Assessment, Strategy and Action Plan 2023 indicates that:
 - With regard to the allotment provision:
 - Review the demand for allotments in Bromyard and develop a standard of provision based on this level of need.
 - Clarity should therefore be sought from the Bromyard Town Council, who own and maintain existing provision within the town.

- Location, topography and design also need to be considered. Facilities might be needed – fencing, sheds, access paths, water.
- COMMUNITY GARDEN -SITE ENTRANCE AREA FROM A44
 - The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required.
 - This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked.

With these in mind and the overall delivery of on-site green space and green infrastructure, the councils latest evidence base the Open Space Assessment, Strategy and Action Plans 2023 provides some useful guidance for delivery of good quality green spaces and recommends that:

Green spaces:

- Are Multi-functional - open spaces provide a broad range of features and facilities to support the health and well-being of the residents.
- Reflect a multi-functional network and offer differing functions appropriate to the environmental context.
- Consider forming part of the wider green and blue infrastructure network
- Where possible consider the following:
 - Extension of tree canopy
 - Incorporation of SuDS
 - Increased connectivity to the local nature recovery network including the creation of wildflower grasslands, hedges and woodlands
 - Reflect local distinctiveness, including landscape character, conservation and heritage of the location.

In principle green spaces should:

- Provide equality of access to enable people to use an open space without anxiety and excessive effort.
- Design and locate play spaces, access points and seating to have regard for the needs of all residents and users.
- Ensure entrances are wide and step free.
- Incorporate social seating and relaxation areas and sensory planting
- Incorporate natural and semi-natural habitats.
- Promote movement between different open spaces by use of signage and active travel networks
- Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces
- Have well located entrances with clear sight lines in and out
- Signage to indicate what to expect to find within the site
- Provide routes within and through the site suitable for a variety of users
- Provide well located spaces for gathering and seating to reduce the likelihood of antisocial behaviour
- Provide easy access where necessary through the provision of road crossings.
- Provide planting and landscape features for interest and to providing a welcoming environment

On-site Children's Play: Play provision is shown on Amended Illustrative Landscape Masterplan drawing no. edg2364_d047c to be provided in accordance with area requirements for this size of scheme. It is distributed across the site to form linear features throughout the scheme enabling it to be more natural in places and incorporated as a series of spaces and linear routes around the site along with more formal central provision.

In accordance with the Amended Composite Planning Layout drawing no. 0687-102:

- Accommodation Schedule consists (all housing including OMU and Affordable and excluding 8 x 1 bed) 83 X 2 bed, 20 x 3 bed, 39 x 4 bed

The value of on-site play provision is provided an indication to the applicant as to what is expected as a minimum and provides parity across all new development. It is calculated in accordance with the SPD on Planning Obligations and development costs only at 50%.

- 83 X 2 bed x £965
- 120 x 3 bed x £1,640
- 39 x 4 bed x £2,219

In this instance the cost value for play on site should be approximately £182,000. The applicant will be expected to demonstrate that this has been met as minimum. The details will not be published. I recommend that the details for play are conditioned or are submitted at the reserved matters stage.

Condition CA6 is recommended if appropriate and the following informative.

Informative. On-site children's play provision: We would expect the play area to be of the value £182,000 in accordance with the SPD on Planning Obligations and the size of the development.

Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

A written scheme will be required detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

Off-site Outdoor Sports Contribution: It is noted in the Planning Statement that the applicant has acknowledged that based on discussions with officers planning obligations will be sought to secure a range of matters.

In accordance with CS policies OS1 and OS2 an off-site contribution will be sought towards sports facilities within Bromyard.

As part of the Core Strategy Review, the evidence base for Playing Pitches has been updated and a new evidence base for Indoor Sports produced.

The Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 and the Indoor and Built Sports Facilities Strategy and Action Plan 2023 (which can be found on the council's planning website under evidence bases), recommends the following actions for Bromyard which are relevant to this application and for the protection, provision and enhancement of facilities to meet both the current and future needs of the local population.

A current tariff of £1,398 per market house is asked for from development in Bromyard. This tariff has not been updated since 2018 and does not reflect the latest evidence bases and recommendations set out below. It is also based on 500 new houses (Core Strategy Bromyard housing requirements), Sport England's Facility Costs Kitbag as of 2017 and associated maintenance costs. It is therefore subject to change.

Recommendations for Bromyard sports facilities are set out below and taken from the:

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

- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

Facility and site hierarchy	Current Status	Recommended Actions	Priority	Timescales	Cost	Aim
Football Delahay Meadow Sports Club Local Facility	One adult pitch of standard quality. Available for community use. Pitch has actual spare capacity of 0.5 MES per week. Ancillary provision of standard quality. Site has previously maintained a further two adult pitches, however since 2013, two of the pitches have not been marked or maintained and are now classified as disused pitches. Work done on the grass pitches could be undertaken to bring the pitches back into use if required.	Look to improve pitch quality with enhanced levels of maintenance. If required explore opportunity to dedicate maintenance to bring disused/unmarked pitches back to use. Explore the opportunity to improve the ancillary provision onsite.	L	L	L	Protect Enhance
Rugby Clive Richards Sports Ground Sports Club Local Facility	Two senior rugby union pitches of M1/D2 (standard) quality. Both pitches have sports lighting and are available for community use. Ancillary provision of good quality. Pitches are currently overplayed by four MES per week	Look to improve pitch quality with enhanced levels of maintenance. Explore the creation of additional provision on the site or removal of demand off in order to reduce overplay. If a WR complaint 3G is established in its locality look to transfer partial demand off the site to the artificial surface in order to alleviate overplay.	M	M	L-M	Protect Enhance
Tennis Clive Richards Sports Ground Sports Club	Three disused macadam courts that have not been used for over a decade	If required explore opportunity to dedicate maintenance to bring disused courts back to use.	L	L	L	Protect

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

Local Facility						
Football/3G Queen Elizabeth High School Key Site Education	Two adult pitches of poor quality, available for community use.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance
	The Football is currently working with the School regarding developing a small size 3G pitch. This project was identified within the LFFP and has secured S106 investment. The School is looking at a delegated Football Foundation application submission within the near future (3-6 months), however, it should be noted it is still subject to planning permission	Explore the opportunity to develop a small sided 3G pitch onsite. Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms & Conditions), for repair and resurfacing when necessary. It is recommended that a sufficient level of mitigation for the netball/tennis courts is agreed prior to the approval of the conversion.	M	M	M	Provide
Cricket Queen Elizabeth High School Key Site Education	One standard quality, standalone NTP. The pitch is available for community use and is used actively by Bromyard CC for senior men's cricket on Saturday afternoons	Look to improve pitch quality with enhanced levels of maintenance.	L	L	L	Protect Enhance
Rugby Queen Elizabeth High School Key Site Education	One senior rugby pitch of M0/D1 (poor) quality. Pitch has no sports lighting and is available for community use. Pitch isn't currently utilised outside of school use	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance

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

Tennis Queen Elizabeth High School Key Site Education	Two macadam courts of poor quality, with no sports lighting and unavailable for community use. In addition, there is also another macadam area onsite, which previously accommodated tennis courts until c1999, this area has not been used for over two decades	Look to improve court quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Cricket Flaggoners Green (Bromyard CC) Local Facility	One good quality grass square consisting of eight senior wickets and two junior wickets. Ancillary provision of good quality Senior wickets currently have spare capacity of seven MES, however, only has actual spare capacity for midweek cricket. The junior wickets are overplayed by three MES. Two lane net facility of poor quality, which needs fully resurfacing	Sustain square quality with appropriate levels of maintenance. Explore the opportunity to resurface net facility	M	M	L-M	Protect Enhance
Bromyard Skate Park Local Facility	One poor quality skate park with no sports lighting. A basic facility made up from wood/composite ramps upon a tarmac base consisting of two roll-in ramps with a funbox in the middle and a rail set to one side	Look to improve quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Shooting Bromyard & District Rifle Club	Bromyard & District Rifle Club indicate a need to improve its facility- for which potential S.106 monies are available.	Support the club with facility developments.	L	M	-	Protect Enhance
Archery Bromyard	Bromyard Bowmen indicate a need to	Where possible support Bromyard	L	M	-	Protect Enhance

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

Archery Club	improve its facility- for which potential S.106 monies are available	Bowmen to improve its facility				
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25/10/23 - I have reviewed the amended plans in discussion with the Council's Landscape Officer and issues with the detailed layout previously raised.

CENTRAL POS:

- It is noted that the area now provides opportunities for a multi-functional approach as recommended in the latest Core Strategy evidence bases for Green and Blue Infrastructure and Open Spaces which were completed 2023.
- It is noted that the access onto the central POS has been improved with the sub-station being moved (slightly) as to not be dominant feature to the access and a central access point and trees are now proposed. I would still welcome an "entrance feature" to this park.
- It is noted that the main pathways through the Central POS remain as grass cut. The applicant is reminded (as set out in the Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) to take account of:
 - Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces.
 - Provide routes within and through the site suitable for a variety of users
- Stronger planting proposals along the cul-de-sacs with positive entrances onto the central POS have not been considered and the plan looks to be little changed in this respect. Access to and from the POS should be equally considered as part of the wider GBI network and as recommended in Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) which sets out a number of principals in support of the creation of greener tree lined routes to the central POS:
 - greenspaces should be considered as a fundamental part of the wider green and blue infrastructure network
 - new open spaces should be in locations that join up communities and provide connectivity between neighbourhoods
 - Active travel networks, including off-road paths and cycle routes should be prioritised
 - Opportunities to provide extension to tree canopy coverage should be considered
 - Provision of planting and landscape features for interest to provide a welcoming environment
- ALLOTMENTS: it is noted that allotments are still proposed. Has the applicant sought clarity from the Bromyard Town Council regarding demand, have they demonstrated the suitability of the location, topography etc to accommodate the requirements for allotments.
- COMMUNITY GARDEN: it is noted that the community garden has been relocated.
- LARGE BALANCING POND
 - Section drawings have been submitted showing the 1:3 slope requirement for health and safety
 - However, there are still concerns re: the 2.5 metre high retaining wall to the road side and the squeezed in play provision. It is appreciated that this area could provide an opportunity for natural play and form part of the play trail around the site, but health and safety issues need addressing including safety rail fencing and consideration to the proximity of the road.

5.3 HC Built and Natural Environment Team (Arboriculture)

5.3.1 12/12/23 - No further comments to add.

I think the only arb condition needed is the standard one we have instructing developer to comply with tree protection - see below.

Regarding planting, has Mandy added one? If not I can provide one for you.

Tree Condition:

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:

EDP - Arboricultural Impact Assessment - edp2364_r012a

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.

5.3.2 16/11/23 - Relevant Policies:

NPPF

131.....and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Herefordshire Local Plan

LD1.....maintain and extend tree cover where important amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

LD3..... Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees hedgerows, woodlands.

..... Provisions of on-site green infrastructure; in particular proposals will be supported where this enhances the network.

.....integration with, and connection to, the surrounding green infrastructure network.

I have a primary concern with what appears to be conflicting intentions of the developer to retain trees and the recommendations to fell a large number of Ash trees in the tree report – EDP Dec 2022.

The composite planning layout - 0687-102, illustrates a greater number of retained trees than the tree report recommendations. My assumption is 0687-102 is the more accurate, but it's necessary to show compliance with Herefordshire Policies LD1 & LD3. Therefore confirmation the Composite Planning Layout is the drawing to gauge tree constraints from is necessary prior to any approvals.

Ash is the predominant species here and to lose most would devalue the landscape value and diminish environmental benefits only afforded by mature canopy cover.

It's not uncommon for a Local Planning Authority to issue Tree Preservation Orders on large development sites. The reason for this is to ensure the long term management and protection of trees where the land usage changes drastically. My opinion is it would be prudent to serve an order on this site. The creation of the order would be to protect trees that are not constrained by the proposed layout.

5.4 HC Built and Natural Environment Team (Landscape)

5.4.1 25/10/23 –

I have reviewed the updated drawings and covering letter. In landscape terms there are a number of issues that remain of concern. While some could be dealt with at reserved matters, others may still be part of the outline considerations.

- The large balancing pond at the north of the site shows a retaining wall 2.5m high. This will be particularly unattractive and does not work with the natural topography. No detail is provided in relation to a safety rail. A play feature is indicated nearby, now squashed in by visitor parking, the hard engineered edge of the drainage feature and the substation. This layout is not acceptable and needs to be addressed in more detail at this outline stage. The play feature could be moved.
- External works drawings show all hard surfaces as tarmac. This is dull and monotonous. Ideally some car park bays could be block paved and pedestrian paths could have paving slabs.
- At least some of the footpaths through the public open spaces must be hard surfaced, not just informal mown grass which are not suitable for all types of users (eg. Pushchairs and wheelchairs).
- It is disappointing that 'street trees' are provided within plots for private ownership, rather than within the streetscape itself to be maintained for the public benefit by a management company.
- There are no street frontage trees or garden hedges on the western side of the main spine road between plots 180 and 211.
- The pedestrian access and planting could be further improved along the cul-de-sacs that lead to the central POS.
- Planting details, specification and long term management plans will need to be provided at RM.

Contrary to Core Strategy Policy LD1, the character of the landscape has not influenced the design around the large northern balancing pond and does not create a positive new setting to this settlement. The new houses fronting this area need a design that integrates appropriately into its surroundings. The use of a single surface tarmac finish across the whole new estate does not show that the townscape character of Bromyard has been integrated into this design.

5.4.2 5/7/23 –

NATIONAL PLANNING POLICY FRAMEWORK

- NPPF para 130 (b) *“are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*
- NPPF para 130 (c) *“sympathetic to local character and history, including the surrounding built environment and landscape setting”.*
- NPPF para 130 (d) *“establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.*

HEREFORDSHIRE CORE STRATEGY ENVIRONMENTAL QUALITY POLICIES

- LD1 Demonstrate that character of the landscape and townscape has positively influenced the design...

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

- LD1 ... protection and enhancement of the setting of settlements...
- LD1 Conserve and enhance the natural, historic and scenic beauty of important landscape and features, including Areas of Outstanding Natural Beauty...
- LD1 Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings;
- LD3 ...Provision of on-site green infrastructure

OTHER GUIDANCE

- Section 6.7 of NE Green Infrastructure Framework - roads that are designed with suitable capacity to accommodate more tree planting with larger pits, verges and sustainable drainage features like rain gardens.
 - Section 10, Living with Beauty - create a place ideal to walk in, where there is greenery frequently present and where the streets and squares are beautiful to look at.
 - Introduction to Building with Nature standards framework - provide high quality green infrastructure at the heart of placemaking, with emphasis on how site layout would contribute to better health and wellbeing within the new community.

There is definitely lots of improvement to the layout compared with the pre-app sketch from last year. However, with the above policies and guidance in mind and to raise the standards on new development, there are still areas where we request further alterations, clarifications and enhancements. It is understood that this is an outline application, however as detailed approval is sought for layout these issues need to be considered at this stage:

- CENTRAL POS ACCESS – There seems to be poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs. The access across Hardwick Lane is welcome.
 - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space. This is particularly important where along the public right of way link shown on the Illustrative Landscape Masterplan.
 - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance.
- CENTRAL POS LAYOUT – This does not need to be a ‘formal park’ and should be multifunctional. The linear arrangement of trees is not suitable, more informal groups would be welcome. Consider views into and out of the park – showing levels and contours would help with this.
- TREES – Need to provide increased canopy cover across the whole site. Consider that many of the existing trees are ash and have a replacement strategy in place. See Tree Officer comments in relation to existing trees. Provide more street trees along the main corridor. Trees at the main corridor junctions are welcome.
- NEW FOOTPATHS – these are welcome but not as mown grass, they should be hard surfaced. In some locations, particularly along western boundary, the path links require more

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

width, as with a hedgerow along both sides this would soon become too narrow and enclosed. Could a further footpath link be added on the far east boundary, along side plots 197, 196, 195, 194? On the west boundary, plot 53 is very squeezed in, at a strange orientation that doesn't seem to work with boundaries, street scene or take best account of any views.

- LARGE BALANCING POND – Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
- ALLOTMENTS – Clarify the need, working with the parish council, consider shading of buffer planting to the south and levels. Facilities might be needed – fencing, sheds, access paths, water.
- SITE ENTRANCE AREA FROM A44 – The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required. This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked. This space should focus on aesthetics and biodiversity, rather than people use. Fruit tree planting is welcome but needs to take account of the levels. This will become the new gateway into Bromyard and should be designed as a holistic area, particularly consider enhancing the east and west hedgerows, with groups of new trees along the A44. Section drawings through this area would also be welcome, to demonstrate the design and visual impact in this important entrance zone that affects the setting of Bromyard.
- BLOCK PAVING – Is welcome from a landscape / street scene / place making point of view to define key points along the main road. However need 'buy in' from HC Highways team.

An individual drawing of the Central POS at 1:500 would be welcome. This should take account of the engineering drawings and the Tree Constraints Plan (particularly as retained T30 seems to be shown in a different location on the Illustrative Landscape Masterplan).

Overall it is disappointing that the application includes a fully detailed hard landscape scheme, including surfacing and fencing, but very little commitment to the soft landscape. While fully specified planting plans could follow at reserved matters stage, we would prefer to see plant palettes (ornamental, hedging, habitats) and key tree species (streets, gardens, parkland) set out as overall planting strategies provided at this stage.

The text in Section 11.2 of the DAS – Landscape Strategy and Play is welcome. The updated LVIA is also supported.

5.5 HC Built and Natural Environment Team (Building Conservation Team)

5.5.1 21/6/23 –

The application is an 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 link road; and associated infrastructure. Detailed approval is sought for principal means of access, with all other matters reserved, at Hardwicke Bank Bromyard.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

Thank you for consulting me on the amended details. I would concur with the advice provided at pre-planning application stage (reference 160192), in that given the distance from the listed building UID 1176339 Birchyfield and the intervening road network, it is not considered that the proposal would have an impact on the setting of this listed building. The Conservation Area within Bromyard contains a high number of listed buildings reflecting the age and status of the Market Town.

However given the undulating nature of the landscape a development of this size in this location has the potential to be visible from many key locations approaching the historic market town. As such the scale of dwellings, not just height but also length and distance between dwellings are important to avoid detached properties visible on the hillside where a larger or continuous roof would be more appropriate and roof materials would be key considerations.

It is not considered that the setting of any individual listed buildings or the conservation area would be harmed by the development in principle. However whilst no objections are raised in built heritage terms to the principle of development, this is in respect to the layout only and not in respect of design, height or materials which will be dealt with at reserved matters stage in line with NPPF Policies, Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies and the Bromyard and Winslow Neighbourhood Development Plan.

5.6 HC Built and Natural Environment Team (Archaeology)

5.6.1 3/10/23 – no further comments.

5.6.2 12/5/23 – no further comments.

5.6.3 7/6/17 – The site considered for residential and other development under this application has been under full consideration for some time via The Council’s SHLAA process and pre-application enquiries. Despite its considerable size, the site would appear to have only very limited issues as regards the [archaeological] aspects of historic environment policy.

As is indicated in the submitted Archaeology and Heritage Assessment (EDP), there are no real records relating to the site itself that are of concern, and the potential for new unanticipated discoveries is low. Also, although there might be some changes to the settings of heritage assets in the wider landscape, these changes would in my view be of a minor nature, and not harmful.

Given that many of the potential development sites in and around Bromyard (in particular, but not limited to, sites close to the historic core and on the eastern fringe) present issues of substance as regards their archaeological sensitivity and risk, this current site should be regarded as a good choice, and one that would appropriately enable necessary housing development in this part of Herefordshire.

I am satisfied that the application documentation follows national and local policy and best practice, and there is no need for any further information to be provided or amendments to be made.

In conclusion, I am of the view that the application does accord with Policy LD4 of the adopted Core Strategy, and Section 12 of the NPPF.

In the circumstances, have no objections, and no further requirements to advise.

5.7 HC Strategic Housing Team

5.7.1 14/11/23 - Thank you for re-consulting me on the above application. I refer to the applicants comments in their covering letter dated 9th November 2023 “as set out in our previous response there planning policy and evidence within the LHMA 21 supports the provision of one bedroom

homes in this location and no basis for objecting to flatted development as part of an appropriate mix of housing types”, my comments are as follows:

I refer you to my comments provided during the pre-app advice process and meeting in 2022, comments in response to this application on the 18th May 2023 and 28th September 2023. Strategic Housing has outlined its reasons for not wanting flatted accommodation, but to further add following consultation with housing association partners there is little desire for this type of unit due to the anti-social behaviour that communal blocks of flats can attract. There are also issues in relation to noise transition and hazards due to items being left in the communal area.

There is evidence within in the LHMA that advises that in value terms in relation to properties within the HMA over a 5 year period, there had been an increase in house values and a 38% decrease in flat/maisonettes values. This evidence within itself highlights the lack of desire for flats.

If the applicants wishes to provide 1 beds then Strategic Housing would look for this to be provided as maisonettes to look like houses with own access and/or houses all with amenity space.

5.7.2 28/9/23 - I am not fully in support of this application. There is little desire for blocks of flatted accommodation as these can be hard to let and manage. This was discussed in the pre-app advice process. In addition to this there is also a need accessible bungalows for both 2 and 3 beds.

5.7.3 18/5/23 - I refer to the amended and additional plans and would comments as follows:

In principal the proposed split of 50:50 affordable housing and open market would be acceptable. With 40% being provided by way of S106 contribution and the additional 10% as grant funded units through Homes England. I am also happy with the proposed open market mix of 2, 3 and 4 bed units to included bungalows and houses.

With regards to the positioning of the affordable units, these need to be tenure neutral as outlined in the planning statement and appear to be integrated within the development. The proposed clusters are acceptable.

I would look for local connection to Herefordshire.

However, with regards to the affordable housing mix, unit types and tenure. The split between affordable rent, first homes and shared ownership is acceptable, but, I am not in support of the proposed housing unit sizes or property types. During recent pre-app discussions it was discussed that there was little requirement for 1 bed units and that Strategic Housing would not support flats unless it was to meet a specific need. It was further discussed that if 1 bed units were to be provided that they would be provided by way of maisonettes with amenity space or bungalows. This does not appear to be the case.

As such I do not support the proposal to provide 1 and 2 bed flats. There is also a requirement for accessible bungalows to meet a proven need.

5.8 HC Public Rights of Way Team

5.8.1 10/5/23 - Public footpaths WN2 and WN1 pass through this site and will be affected by the proposed development and this is acknowledged in the proposals. We would seek to ensure that the integrity of the path network is maintained, separated from developed land within open corridors.

5.9 HC Waste and Recycling Team – comment; -

- 5.9.1 9/11/23 - A swept path analysis has been provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access.

The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

Bin storage locations have been provided for each plot on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property.

Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property for the following containers:

- 1x180 litre wheeled bin for general rubbish
- 1x240 litre wheeled bin for recycling paper & card
- 1x240 litre wheeled bin for recycling tins, cans, glass and plastics
- 1x23 litre food waste caddy (collected weekly)
- 1x240 litre bin at each property with a garden.

This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

5.10 HC Minerals and Waste

- 5.10.1 3/10/23 - 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 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.

5.11 HC Environmental Health Team (Noise)

5.11.1 2/11/23 - The proposed residential development is set back from the A44 and does not contain any commercial/industrial uses. Therefore this Department has no objections to this proposal. However, some road noise will likely be experienced by future occupiers nearest the A44 and therefore the following conditions are suggested to accompany any permission granted:

1. Prior to development starting on site, details of a scheme for protecting external amenity spaces from external traffic noise shall be submitted to and approved in writing by the LPA. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to ensure external noise levels within external amenity spaces shall not exceed 50 dB LAeq,16hr (0700 – 2300).

Informative Note

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved.

Design and construction of the development shall ensure that the following noise criteria are met with windows open:

- 1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- 2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- 3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Informative Notes

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved with windows open.

Any design measures that are used to control the ingress of noise must be consistent and compatible with the requirements of Approved Documents O and F.

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

5.12 HC Environmental Health Team (Contaminated Land)

5.12.1 9/5/17 - I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Whilst the report hasn't identified significant risks to human health, there remains some minor uncertainty which the report recommends should be addressed by further investigation. With this in mind I'd recommend the following condition be appended to any approval.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local

planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

5.13 Local Highway Authority (Area Engineer) – comment

- 5.13.1 20/12/23 – The application is an outline application with all matters considered apart from landscape, scale, and appearance which is reserved. The application briefly comprises of a vehicular access off the A44, 250 dwellings, pedestrian access via Flaggoners Close and pedestrian and cycle access onto Cherry Tree Close.

Access by Non-Car Modes

Access for pedestrians is achieved via Cherry Tree Close and Flaggoners Close and access for cyclists is via Cherry Tree Close only. These access points are addressed in more detail below.

Cherry Tree Close Footway/Cycleway

A 3m wide shared footway/cycleway is to be provided from Cherry Tree Close adjacent to the school, via the school expansion land to the north-eastern boundary of the site. 2m x 2m pedestrian vision splays are provided where the footway/cycleway joins Cherry Tree Close to ensure good visibility of pedestrians walking on the footway along Cherry Tree Close. This link will be provided prior to first occupation of any dwelling and be provided within Phase 1 of the development. The link will comprise of a tarmac surface and lighting and will be provided in full by the applicant. This link is considered to be acceptable by the local highway authority (LHA).

Flaggoners Close Pedestrian Access

A 2m footway is provided from the southern end of the site onto Upper Hardwick Lane where pedestrians will then join the carriageway until the footpath which heads north to Flaggoners Close. The footpath in turn provides access onto Winslow Road where pedestrians can then head south towards the Queen Elizabeth High School, shop and southern part of the town centre or north towards the proposed bus stops and northern part of the town centre. This is a pedestrian only access.

The LHA are of the view that residents are unlikely to use the prescribed route if heading to the High School or shop on the corner of Panniers Lane as it would necessitate walking in the wrong direction, i.e. heading north to go south and therefore would be a longer route. The LHA feel that in particular young people heading to the High School are unlikely to use this route and would be more likely to continue south along Upper Hardwick Lane and then join the A44 to walk eastwards to the junction with Winslow Road. The LHA requested a scheme whereby Upper Hardwick Lane between the site access and the A44 would be resurfaced and lit and the footway along the A44 between Upper Hardwick Lane and Winslow Road was widened to 2m and set back to the rear of the verge, thereby creating a circa 0.5m grass verge between the footway and the A44 carriageway. This would enable the route to be made as safe as possible for pedestrians who, in the LHA's view, would use the route regardless of whether it was the 'official' prescribed route or not. This route upgrade was agreed to be provided, however, upon consultation with Bromyard

Town Council it was removed entirely from the scheme because the applicant was advised by the Town Council that the application would not be supported until it was removed and was likely to be refused at Planning Committee.

The LHA very strongly disagree with the removal of the proposed improvement scheme from the application and believe it is prejudicial to pedestrian safety, especially to school age children. The applicant has agreed to provide a sum of money of equal value to the cost of the scheme in lieu of providing the scheme themselves via S278. This would be over and above S106 transport contributions as per the SPD. The provision of the money in lieu of would allow Herefordshire Council to provide the improvements once the development has been constructed. This is the only reason that the removal of the scheme has not resulted in an objection to the application by the LHA. However, it is unlikely the improvement scheme could be provided prior to occupation of the dwellings if it were incumbent on Herefordshire Council to construct the scheme. Had the scheme been provided as part of the application it would have been a condition of planning consent that it should be constructed in full prior to first occupation of any dwelling.

Cycle Connections

The only access into the development for cyclists, other than on carriageway, is via Cherry Tree Close. A 3m wide cycleway is provided along the spine road of the development, however, it terminates approximately 80m north of the main vehicular access off the A44. The LHA have requested a 3m strip of land between the site access and the cycleway which runs along the spine road to be provided and adopted by the LHA, however, despite being initially provided, it has subsequently been withdrawn by the applicants.

This strip of land was requested to future proof the route so that should it be required a cycleway could be provided in the future. It is noted that there are limited cycle facilities within Bromyard and limited opportunities to accommodate such facilities, this is an opportunity to ensure that links could be provided in the future if required therefore it is disappointing that the applicant has not willing to date to allow the LHA to adopt a 3m strip alongside the access road. Without the ability to adopt the 3m strip it is likely that the LHA could find itself in a similar situation that the applicant has found themselves in by not being able to provide other connections into their site due to strips of land between their site and the adopted highway being in third party ownership.

The provision of a 3m strip could potentially be used to either provide a link to any future site to the south, thus creating a cycle link between the High School and St Peter's Primary School, or as part of any wider cycle provision along the A44. At present a site beyond this site is being proposed as a potential residential development site which, if it goes ahead, would also benefit from the enhanced cycle links. Another scenario is if the other half of this site (making the full 500 dwelling allocation) is developed a cycle link between Tenbury Road and the A44 would be desirable to allow cyclists to bypass the town centre, particularly if they are travelling longer distances. This would not be available without the 3-metre strip of land. It is for these reasons that the LHA request that a condition is attached to planning consent, should it be granted, that the 3m strip of land be provided.

In view of the sterilising of any future cycle connections at this location the LHA would not wish to adopt the site, therefore the site will have to remain private. This is due to a S38 requirement that the adoption of developments should be in the wider public interest and it is the LHA's view that the removal of this potential link would mean that the wider public would not benefit from the LHA adopting the site.

Public Transport

In order to encourage travel to and from the site by public transport the applicant has agreed to provide two new bus stops including shelters on Winslow Road in the vicinity of Hardwick Close and Cherry Tree Close (exact location to be established during the S278 process). This is welcomed by the LHA.

Vehicular Access

During the course of the application two potential junction arrangements have been explored. Firstly a roundabout on the A44 was investigated, however, due to land constraints this had to be discounted. The second arrangement was a signalised junction and it is this access junction that the applicant has taken forward. The benefits of a signalised junction include the ability to slow traffic, particularly those vehicles approaching Bromyard from west. The 30mph speed limit would be moved to a location to the west of the proposed access and include gateway features as requested in the Stage 1 Road Safety Audit in order to slow vehicles and make it known to vehicles that they are entering an urban environment.

The proposed access junction would comprise of a three arm signalised junction with no pedestrian or cycle facilities. In addition, it has been established that should it be necessary to allow for development to the south to go ahead it would be possible to accommodate a fourth arm at the site access.

Junction capacity assessments have been undertaken for the site access. These demonstrate that the access arrangement would operate well within theoretical and practical capacity, even if a fourth arm was included. In addition, capacity assessments have been undertaken for both the A44/Winslow Road junction and the A44/Panniers Lane junction with the assessments demonstrating that both junctions have plenty of spare capacity even with the proposed development.

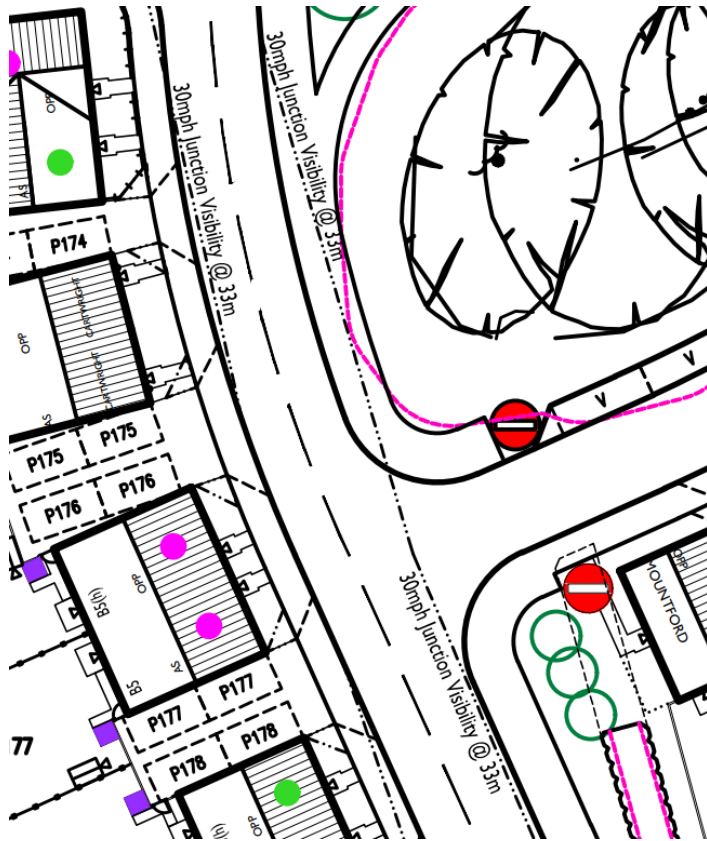
Internal Layout

The internal layout is a matter for consider in this application as it is not a reserved matter. The site is based around a central spine road which is 6m in width with a 3m shared footway/cycleway along the southern/eastern side and a 2m footway on the opposite side. Further residential streets are accessed off the spine road.

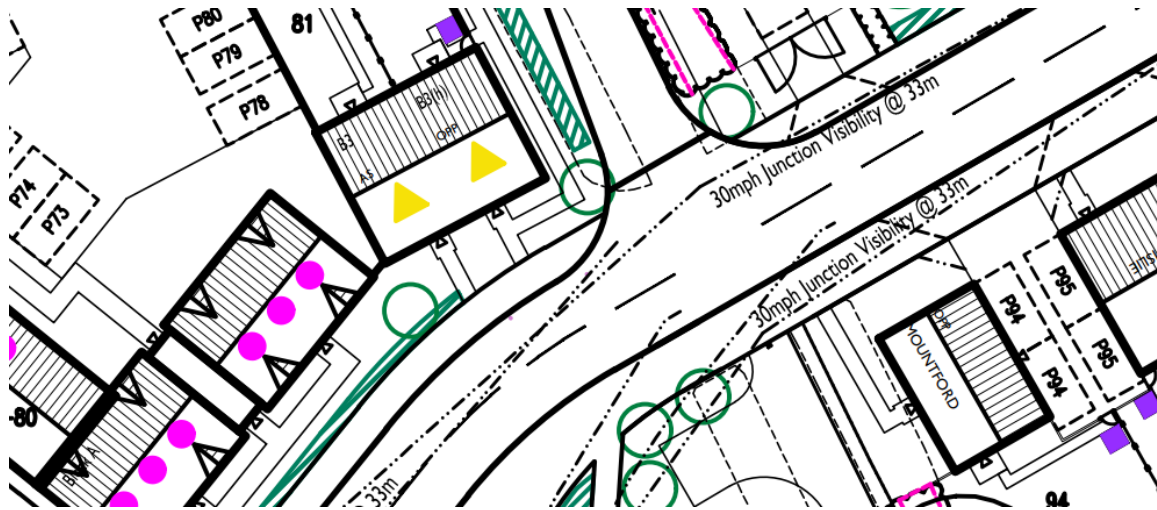
A number of issues with the layout still remain despite being raised on a number of occasions with the applicant. These are addressed in more detail below but if planning approval is granted the issues will need to be rectified via conditions.

Visibility Splays

The LHA require visibility splays of 2.4m x 33m to be provided at all junctions along the spine road through the site, this is commensurate with speeds of 25mph. The applicant has agreed that these are appropriate, however, the visibility splays demonstrated on the plans provided are incorrectly drawn. For example, below is a screenshot of one of the visibility splays. As can be seen the x distance does not appear to be 2.4m (for context the footway/cycleway at the junction is 3m wide and the visibility splay x distance should be setback 2.4m from the give-way line). The x distance appears to sit on the give-way line rather than being setback 2.4m.

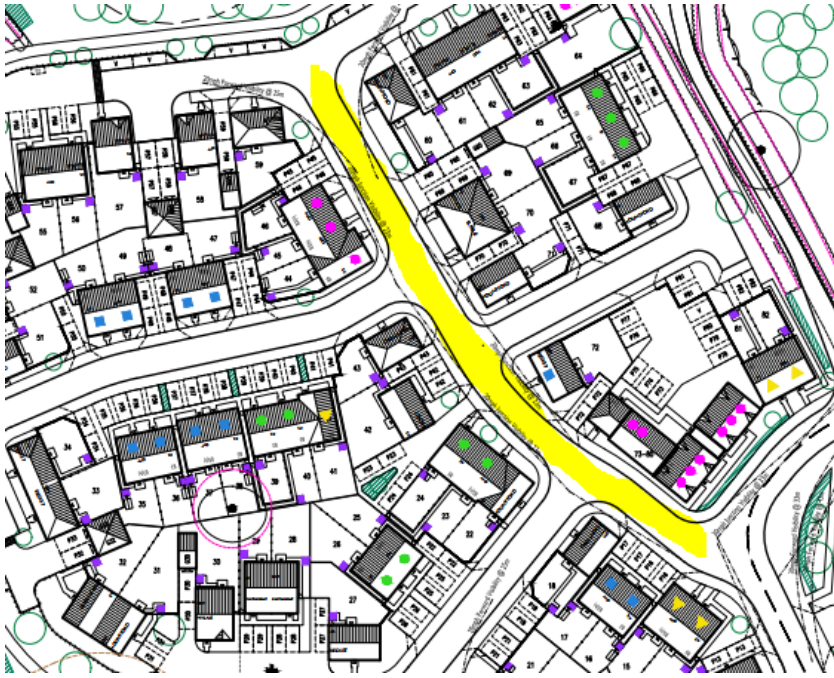


Another example is given below, not only is the x distance not 2.4m it isn't even taken from the centre of the junction.



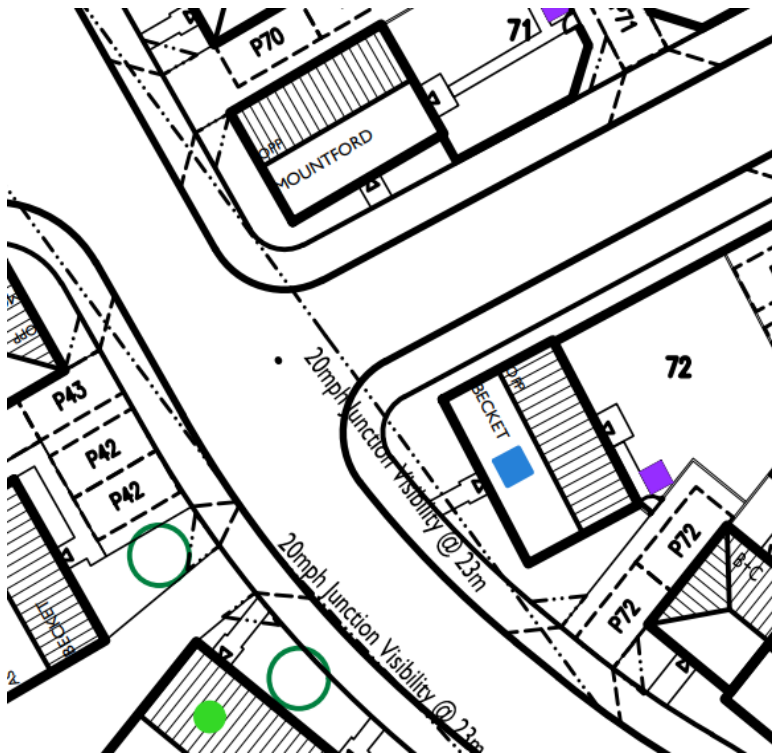
These are concerns that have been raised on a number of occasions with the applicant, however, the applicant has been unwilling to amend them. The only avenue available to get the splays rectified is to add their correct provision as a condition of planning consent, especially given that the LHA is unable to adopt the roads within the site.

Another issue concerning visibility splays is the length of the splays on the side roads. The applicant has provided splays of 2.4m x 23m. However, splays of this length are for streets which serve lower numbers of dwellings, are constrained in width and do not have a straight alignment. The below screenshot shows one of the roads where 23m visibility splays are provided, the road is wide at 5.5m and of a reasonably straight alignment, therefore the ability to constrain speeds is limited due to its geometric features.



Our Highway Design Guide for New Developments states that for roads which serve between 25 and 100 dwellings (the above example serves 66 dwellings) should be 5.5m in width, as the above example is, and have visibility splays of 33m. Therefore visibility splays of 2.4m x 33m have been requested on a number of occasions, however, the applicant has been unwilling to provide them.

Another issue in regards to the provision of visibility splays is that the back of the footway should follow the visibility splay line to ensure that it does not encroach on third party land such as someone's front garden whereby planting may block the visibility splay. This again has been raised as an issue several times but still has not been rectified, as demonstrated in the screenshot below which shows even a 23m splay crossing a front garden, if this was lengthened to the required 33m splay then it is likely that the splay would cross the parking space for plot 72 and be blocked by a parked car on private land. The below example may even require the house to be positioned further back in order to avoid blocking the visibility splay. This could potentially require an application for a non-material amendment should planning be granted.



One-Way System

The road adjacent to the school expansion land is shown as one-way on the planning drawings formally submitted, however, when queried the applicant confirmed that the road is to be two-way. This should be updated on the planning drawings. The LHA would not be supportive of a one-way system given how wide the road is. If the intention is for the road to be two-way visibility splays of 2.4m x 33m should be demonstrated at the southern junction with the spine road. No plan has been formally submitted demonstrating the required splays.



Central Square

The LHA are accepting of a tighter bend at this location, however, it needs to comprise a single radius rather than a composite radii as shown on the plan due to the difficulty associated with building and maintaining composite radii.



Car Parking

As confirmed within the Transport Assessment provided in support of the application car parking is provided in line with our car parking standards contained within our Highway Design Guide for New Developments, i.e two spaces for a two or three bedroom dwelling and three spaces for dwellings with four or more bedrooms.

Upper Hardwick Lane

The existing alignment of Upper Hardwick Lane would be interrupted by the proposed spine road through the development. The application proposes to locate bollards at the southern part of Upper Hardwick Lane where it joins the proposed spine road. This would limit the use of Upper Hardwick Lane which would be of benefit to pedestrians. This would be subject to the successful implementation of a TRO.

Access to properties at the northern end of Upper Hardwick Lane is proposed from the central spine road through the development. The junction of this section of Upper Hardwick Lane and the spine road can accommodate the turning of larger vehicles such as HGVs.

Service Strip

The absence of the 3m strip of land alongside the access road also results in no service strip being provided to accommodate services. Ordinarily a 2m service strip would be required to prevent services having to be placed under the carriageway. The absence of a service strip also prevents the site from being adopted.

Recommendation

In summary, there are a number of items which need to be amended and ordinarily the LHA would like these items to be rectified before having to provide a recommendation and the application going before Planning Committee. The LHA has tried on a number of occasions to get the applicant to make the required amendments but the applicant has been unwilling to co-operate and make the necessary amendments. Therefore we now find ourselves in this far from ideal situation.

The LHA does not agree with the removal of the footway improvement scheme along the A44 and Upper Hardwick Lane but is not in a position to object if the applicant is willing to provide the cost of the scheme build as an additional payment on top of the normal S106 requirements.

The LHA finds it very disappointing that the applicant is not willing to offer a 3m strip of land alongside the access road to future proof the development and enable a cycle connection should it be required in the future.

Having said the above, if a number of conditions which would address the items which require amendments could be attached to any planning consent granted then the LHA would offer no objection to the application. It should be stressed however that the LHA considers this application to only be just about acceptable.

If it is not possible to attach the requested conditions then the LHA would not be able to support the application due to the number of outstanding amendments required to make the application acceptable.

Conditions & Informatives

The LHA requests that should planning consent be granted then conditions addressing but not limited to the following should be attached to the permission:

1. A plan demonstrating visibility splays of 2.4m x 33m with the splay being delineated by the back of the footway at all junctions should be provided prior to commencement on site for the approval by the LHA/LPA. Nothing over 0.6m in height should be placed within the splays. This condition overrides the visibility splays demonstrated on drawing 0687-102.
2. A 3m strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road will be offered to the LHA for adoption.
3. CAE Vehicular Access Construction
4. CAJ – Parking
5. CAQ – On-Site Roads
6. CAT – Construction Management Plan
7. CB2 – Cycle Storage
8. CB3 – Travel Plan
9. CAP – Off Site Works
 - Footway/cycleway from Cherry Tree Close to site
 - 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

Informatives: I11, I06, I09, I45, I08, I07, I05, I43, I49, I54, I51, I41, I36, I35

S106

In addition to the cost of providing the footway improvement scheme along Upper Hardwick Lane and along the A44 between Upper Hardwick Lane and Winslow Road, the LHA would require the following S106 monies to be paid:

- Two bedroom dwelling - £2,457 per dwelling
- Three bedroom dwelling - £3,686 per dwelling
- Four bedroom dwelling - £4,915 per dwelling

5.13.2 6/10/23 - The local highway authority (LHA) has the following comments to make on the updated scheme, albeit it should be noted that these comments are made prior to sight of the Stage 1 RSA which is understood to be in progress: Note – Please see tabulated comments at **Appendix 1**.

5.13.3 23/7/23 - The local highway authority (LHA) has the following comments:

- 1) It is assumed the layby on the access road just north of the proposed site access is for servicing the gas governor, however, the LHA would not wish to adopt the layby therefore it should be placed behind the footway.

- 2) The LHA will not adopt visitor spaces therefore the footway should run in front of the spaces not behind, for example, adjacent to plots 96/97.
- 3) The 3m cycleway should continue through the school expansion land to Cherry Tree Close. This should be shown on a plan, including the S38 plan as the LHA would wish to adopt it.
- 4) The (presumably) school drop-off laybys by the expansion area should be one long bay rather than broken up and the northern corner should be tightened up/remove excess space with a conventional radius. However, ideally the school drop-off area should be within the expansion land so that the school can control it and residents won't park in it.
- 5) Access for pedestrians/cyclists to the school via the school expansion land should be provided during Phase 1 of the development to ensure good travel habits are formed from the start and walking and cycling is encourage/enabled.
- 6) Link through hedge/trees should be a cycleway and we would want to adopt it.
- 7) Footway along the A44 between the proposed site access road off the A44 and Upper Hardwick Lane should be removed and the link from the access road onto Upper Hardwick Lane should be included in the S38 plan as the LHA would wish to adopt it. The link towards Stonehouse Farm should also be adopted. Upper Hardwick Lane should be provided with lighting as it will be the main pedestrian access route to this part of the site.
- 8) The cycleway from the access onto Upper Hardwick Lane to the proposed site access junction with the A44 should be removed but the land reserved so that if the site to the south comes forward then it can be added and a link between the two sites provided.
- 9) The proposed footway between Upper Hardwick Lane and Winslow Road should be included within the red line and S278 plans.
- 10) The 30mph speed limit should be relocated to the west of the proposed junction for the Stonehouse Farm access on the A44.
- 11) The LHA would prefer to adopt the outer cycle route which skirts the development to the west from the pond to southern extent of dwellings as it is considered that this would be in the best interests of the public.
- 12) A link through from the site onto Damson Tree Close should be provided if the hedge ownership allows.
- 13) Grass verges will not be adopted therefore visibility splays should be demarked by footway rather than verge.
- 14) Forward visibility should be 33m and should be shown on plans.
- 15) Minimum centreline radii should be 25m. This should be demonstrated on a plan.
- 16) Visibility splays should be 2.4m x 33m and be demonstrated on a plan.
- 17) 2m x 2m pedestrian vision splays should be provided at all driveways to ensure visibility of pedestrians when vehicles are reversing on/off driveways/parking spaces. These should be provided as per the extract from our Highway Design Guide below. As per visibility splays, nothing over 0.6m in height should be placed within the splay.

18) The footway provision along some roads throughout the site appears to be broken up in places, for example, as shown below. A continuous footway should be provided along adoptable roads.

19) How Upper Hardwick Lane to the north of the spine road is accessed is not clear. Swept paths of a large tractor and a fire tender turning into and out of the lane should be provided, as should visibility splays at the junction with the spine road. Visibility splays for the section of Upper Hardwick Lane to the south of the spine road should also be provided.

20) Raised tables should not be required as roads should be designed to keep speeds down.

21) Block paving will not be adopted. Only standard materials such as black top should be used.

22) All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied IF Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

23) Car parking should be provided as follows:

- One bedroom dwelling – One space
- Two/Three bedroom dwellings – Two spaces
- Four bedroom plus dwellings – Three spaces

Ideally three tandem spaces in a row should not be provided as this is likely to result in at least one vehicle parking on-street for ease of movement.

24) Parking courts should be avoided where possible, for example, plots 74 – 81.

25) Cycle storage should be provided for all dwellings, for example plots 74 – 81. Facilities to charge e-bikes should also be provided, particularly in communal stores.

26) The proposed bus stops on Winslow Road should be positioned closer to an access into the site, i.e. Cherry Tree Close if possible.

27) A Stage 1 Road Safety Audit (RSA) should be provided once the above amendments have been incorporated. The RSA should include the proposed footway improvements along the A44 between Upper Hardwick Lane and Winslow Road. The LHA would wish to have sight of the Audit Brief prior to the commissioning of the RSA.

5.14 HC Education – comment; -

5.14.1 20/12/2023 - I've checked the latest position and the information in that response is still valid as both St Peter's Primary School and Queen Elizabeth High School have full year groups and justify a contribution towards education facilities. We would be looking for a full suite of contributions for Early Years, Primary, Secondary, Post 16, Youth and SEN provision.

The contributions per dwelling are therefore:

Contribution by size and type of dwelling	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+ bedroom apartments	£207	£1,748	£1,432	£121	£631	£261	£4,400
2/3 bed house or bungalow	£432	£3,063	£2,695	£121	£850	£468	£7,629

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

4+ bed house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816
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5.15 BBLP Land Drainage – comment; -

5.15.1 20/12/23 - The drawings issued do not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. However, we accept that it should be possible to install geocellular crates to meet the design criteria described below.

Development sites usually increase the amount of impermeable area. This leads to an increased runoff rate.

At this site the proposed outfall is into a ditch upstream of the River Frome. The impact of an increased flow rate in the ditch could cause localised surface water flooding at the ditch, but this would be on a remote area of farmland.

The increased runoff rate leads to an increased volume of water being conveyed into the river in less time. This causes extra flow in the river. The implications are that downstream areas are more likely to flood. This cannot be allowed to happen. Accordingly, the SuDS should be designed to retain the extra runoff volume on the site during the respective rainstorms. This is why the National Standards for Peak Flow and Volume Control were introduced.

As explained above, although the Peak Flow Control is quoted in DEFRA literature, there would be no immediate implications to the residents of Bromyard if the peak flow in some rainstorms exceeded greenfield rates.

However, there would be increased flood risk if the Volume Criteria were not met.

We recognise that due to the inclined nature of the site it is difficult to design a Basin that can store a large amount of water. To meet both the Peak Flow Control and Volume Control criteria it would be necessary to store all water relating to a 100 year +CC storm and discharge it at a 2 year storm flow rate. Clearly this creates a large storage volume that would need to be accommodated in the pond.

The applicant has suggested using two or more flow controls, this concept is accepted subject to further discussion.

The applicant has included a Sediment Treatment Proposals document in their submission. The basin is an integral component of the SuDS and it's use would improve water cleanliness. If the crates were used then details in this document would hold no meaning. However we understand that there are no SACs in the immediate vicinity of the site, however the issue of sediment transport needs to be considered.

We assume the intent is to present the entire surface water drainage system to Welsh Water for adoption.

Because there are no SuDS Approval Bodies (SABs) in England, Welsh Water have needed to alter their adoption strategy to accommodate below ground storage at drainage basins built in England. This is normally achieved by providing adoptable below ground storage (geocellular crates) located below a Dry Basin, sized to meet the 30 year storm criteria referenced in Sewers for Adoption. The dry basin is provided to the facilitate the outstanding attenuation requirements up to the 100 year + Climate Change storm criteria.

The Herefordshire SuDS Handbook explains that at Strategic Sites, an exemplar approach to the design of SuDS is required. Accordingly, site layouts should seek to incorporate green SuDS which mimic natural processes to clean water.

The original surface water attenuation proposals relied on the provision of a Drainage Basin that would store ALL stormwater to 100 years + Climate Change. Deviating from this design to rely on the provision of below ground storage would lead to the following :-

- During daily rainfall events, no water would collect in the Drainage Basin. The basin itself would remain dry and would only receive water once every few decades. This may have biodiversity implications and the vegetation shown on the landscape drawings would not grow
- The basin would not function as a Pollution Control feature (refer to the Herefordshire SuDS Handbook item 7.8).

The water companies that operate within England hold different approaches to adopting basins. We consider that it would be beneficial to engage with Welsh Water to explore opportunities to explore the concept of aligning their own adoption policies with recent changes made to adoption criteria by other companies.

Severn Trent have researched the legalities of defining a line on the base of the basin as a sewer. This allows them to adopt a strip along the base of the basin. Severn Trent hold access rights to desilt the base of the pond. Maintenance of the pond normally falls to the landowner or a private management company.

Recently the government has expressed their intent to implement Schedule 3 of the Flood and Water Management Act during 2024. This measure would create SABs in England. This may present a means for Local Authorities to receive funding to maintain basins.

As LLFA we recognise the impracticalities of seeking to deliver green SuDS on a sloping site. Owing to the isolated location of the outfall we can offer the applicant revised discharge criteria that could be used to develop an alternative design.

The revised design could feature below ground storage (possibly geocellular crates) uphill of the attenuation basin. These crates would need to be designed to fill up throughout a short duration rainstorm. Accordingly, a flow control would need to be selected to operate throughout the short duration rainstorm. A weir would allow incoming water arising from larger storms to cascade on into the basin. This would allow more water to be stored within the site.

We recognise that there is sufficient space within the open spaces to accommodate below ground storage.

The basin would then need to be designed allowing for a 1 in 3 slope, which may create more storage than the 1 in 4 slopes that have been proposed. As explained in our commentary we also consider the tall retaining wall to be a risk to all site users, so efforts would need to be made to reduce the likelihood of personnel injury arising from the inclusion of the wall. The applicant should also consider moving the pond towards the north west.

Subject to further design it may be possible to lower the discharge rate to the 30 year rate, which would mobilise more storage in the pond. The volumetric criteria for the 30 year and 100 year + CC storms would however need to be achieved.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

In summary, we recognise the desire to ensure that the surface water drainage is adopted by Welsh Water. We recommend discussions are held with Welsh Water to establish whether changes can be made to their adoption policy. This may allow a design to be developed that utilises crates that are installed on higher land, so that the water all drains through the basin. The alternative would be to install the crates below the basin.

We recognise that the details presented for the outline submission require refinement, but in principle we can accept the proposal that this design can be delivered under a drainage condition. This drainage condition should include a focus on the desire to take all reasonable steps to facilitate a design utilising green SuDS.

- 5.15.2 28/11/23 - The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign. This may involve increasing the gradient of the pond banks and moving the pond towards the north west.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 2**.

- 5.15.3 13/10/23 - We note that the Covering Letter advises “There is no objection to the proposed development on flood risk and drainage grounds”. However our comments below state that we OBJECT to the proposed development. It would appear that the original comments dated 18.7.23 were not uploaded to the Planning Website.

The revised submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required. The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 3**.

- 5.15.4 18/7/23 – The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required.

The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 4**.

- 5.16 Wye Valley NHS Trust – comments withdrawn on 19 December 2023.

- 5.17 Herefordshire and Worcestershire Clinical Commissioning Group – no response.

- 5.18 Dwr Cymru Welsh Water

- 5.18.1 4/10/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We have considered the impact of foul flows generated by the proposed development and concluded it is unlikely that sufficient capacity exists to accommodate your development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment. There are no planned reinforcement works within Dwr Cymru Welsh Water's Capital Investment Programme and therefore, at this stage, we are unable to provide you with a point of adequacy on the network.

A Hydraulic Modelling Assessment (HMA) has been commenced and where required and appropriate, the HMA will identify solutions and points of communication to ensure that your site can be accommodated within the system. However, in the absence of known solutions to accommodate your site we will not be able to support the development.

Turning to surface water, the proposed drainage layouts and drainage strategy shows the proposal to discharge the majority of surface water via a drainage ditch to the north and a small percentage to a highway drain south of the site. Dwr Cymru Welsh Water has no objection to this however, we advise that the applicant contacts Environment Agency who regulate discharge to watercourses and highway authority who will regulate discharges to a highway drain.

WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised 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).

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 Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions:

No 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.

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

5.18.2 30/5/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment

Programme.

With regards to surface water, Dwr Cymru Welsh Water has no objection to the proposed attenuated discharge into the nearby water course and highway drain however, 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 and the highway authority with regards to discharging into the highway drain.

WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised 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).

information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

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

Conditions

No development shall take place until a point of connection 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.

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

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

Advisory Notes

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

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.

- 5.19 Natural England – comment;
4/12/23 - 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. This is on the basis of nutrient neutrality being secured.
- 5.20 Herefordshire Wildlife Trust – no response.
- 5.21 The Ramblers Association (Herefordshire) – no response.
- 5.22 Open Spaces Society – no response.

5.23 West Mercia Police (Hereford)

- 5.23.1 14/7/23 - I am responding to this planning application on behalf of West Mercia Police, in relation to Crime Reduction and Community Safety matters as the assigned Design Out Crime Officer for Herefordshire. This is a proposed development is a significant one for the residents and infrastructure of Bromyard and will undoubtedly have opportunities for designing out crime and anti-social behaviour.

I have examined the planning application, together with the plans submitted. This has been done with reference to the advice contained within National Planning Policy Framework para's 92b, 97, 130f and the Crime and Disorder act 1998. I cannot find any inclusion as to the provision for security measures to be applied to the site as a whole, the build security of the 250 dwellings, or the additional build of the school.

The security requirements for dwellings are set out in Part Q of Schedule 1 of the Building Regulations, however I would recommend that all doors and windows meet the PAS 24:2016 standard and are third party certified, such as those companies that achieve Secured by Design accreditation.

I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior as per Sustainable Design and Construction Supplementary Planning Document 2020, section 17.

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_Ma_y.pdf

5.24 Hereford and Worcester Fire Service (Hereford)

- 5.24.1 24/7/23 - With regard to the attached Planning consultation letter regarding the application detailed:

Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments:

Fire Service Vehicle access to the new dwellings may need to comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1

In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the new dwellings.

Access road to dwelling should be in accordance with ADB 2019 Vol. 1 Table 13.1

The above matters may be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

6. **Community Representations**

- 6.1 As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the comments received in relation to the revised submission (up to 250 dwellings) received in 2023 are summarised below. Nevertheless, all comments received prior have been considered accordingly.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

6.2 Bromyard Town Council – comment; -

6.2.1 13/12/23 - The committee resolved to accept this proposal in principle

3/10/23 – Members discussed the application in detail and resolved to support it in principle with the condition that the A44 footway access be EXCLUDED, as there are three other alternative access routes proposed for pedestrians and cycling via Winslow Road.

The Town Council remains OPPOSED to the inclusion of a footway (pedestrian) route along the A44 which is not achievable to the standard required and is not required for this development.

4/7/23 - At the meeting of the Town Council's Planning and Economic Development Committee last night members considered the re-consultation for application 163932, Land at Hardwick Bank. After a lengthy discussion, the committee decided to object as this particular application continues to rely on a pedestrian access along the northern route (A44) without any legal certainty of deliverability.

I was unable to upload the committee's decision via the Planning Portal as the usual link is not provided.

8/5/23 - It was RESOLVED that the Town Council opposes this application and strongly recommends that planning permission is refused on the basis that safe access including footpaths, verges and cycleways is not proven in this application.

6.3 Press (Hereford Times) / Site Notices - 21 individual letters of representation in objection to the application. The comments can be summarised within the broad topic headings as follows; -

Principle of the development

- There are other applications for housing under consideration
- Loss of undeveloped land / green fields
- Brownfield sites should be used

Access and highways safety

- Vehicular access onto the A44 is dangerous given proximity to other junctions
- Vehicular access onto the A44 is dangerous given proximity to brow of hill
- Pedestrian access along A44 would be unsafe given the road's insufficient width
- Pedestrian and cycle access should be re-routed via Broxash Close
- Widening of the existing footway along the A44 would encroach onto private property.
- Development would increase traffic on Winslow Road (used as rat-run to primary school and co-op supermarket)
- Parking around the primary school is inadequate and car park along Winslow Road during drop-off / pick-up times.
- Lack of employment in Bromyard will result in increased traffic movements for out-commuting.
- The existing development off Tenbury Road is dangerous as it has no footway.
- Additional crossings required to prevent children from running onto the road.
- Local bus service is intending to increase fares / services are not sufficiently subsidised.

Housing

- The quantum of social housing has not been shown within the submission.

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

Flooding and drainage

- No reference to potential surface water run-off or flood mitigation within the submission

Ecology

- Site is very close to a SSSI which hosts species such as newts, bats and other rare wildlife

Infrastructure

- Development could increase the population of Bromyard by between 20 – 25%.
- Existing health infrastructure within Bromyard is at stretched / over-capacity.
- Fragile and in unreliable sewage system
- Local schools are over-capacity.
- Consideration should be given to increasing resources for local police and fire and rescue services.
- Low water pressure observed at Damson Tree Close.

Amenity and community wellbeing

- Existing residents will no longer be able to enjoy peace and tranquillity
- Adverse impact on mental health and community well-being
- Loss of amenity / outdoor space for dog walking and recreation.
- There is little social opportunities for children and young people in Bromyard
- Loss of views
- Noise and pollution from additional traffic
- No details on workforce propriety within the submission.
- No details on ensuring potential crime / anti-social behaviour sports are avoided / addressed, within the submission.
- Overshadowing and overlooking – especially where the development would abut existing single-storey dwellings.

1 letter of representation neither in support or objection received. The comments can be summarised as follows; -

- Safe walking and cycling should be pre-requisite of development
- Should connect to key destinations within Bromyard, as well as the proposed Worcester Bromyard Leominster Greenway project.

1 letter of representation in support received. The comments can be summarised as follows; -

- Development should use old railway line where possible to integrate with the proposed Greenway project.

7. Officer's Appraisal

Principle of development

7.1 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."

7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.

7.3 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 was updated 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 policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

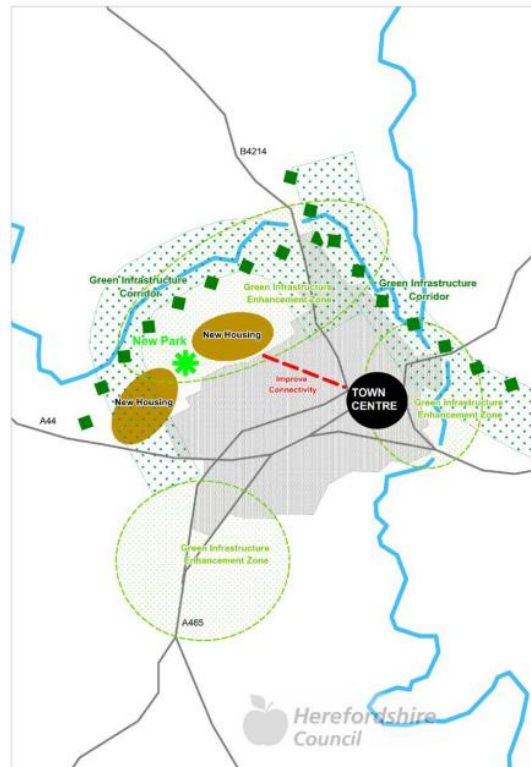
- 7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.
- 7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development 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”.
- 7.6 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.
- 7.7 Policy BY1 of the Core Strategy sets out that Bromyard will accommodate a minimum of 500 new homes with around 5 hectares of employment land during the plan period. It states that the majority of new homes will be located in the northwestern areas of the town, with a minimum of 250 new homes.

Core Strategy Policy BY2 identifies Land at Hardwick Bank to deliver a sustainable urban extension for Bromyard which would deliver a minimum of 250 new homes at a density of up to 25 dwellings per hectare and comprising a mix of open-market and affordable provision. The policy advises that any planning application should include, but not be limited to the following;

- 40% affordable housing;
- formal park with new play and sports facilities and allotments;
- suitable vehicular access, likely taken from the A44;
- residential routes off Winslow Road should provide sustainable links to the town (pedestrian and cycle) as well as public transport links;
- contributions towards new and improved facilities;
- improvements to classroom provision for primary school;
- high standard of design and layout which reflects the townscape, landscape and green infrastructure of area;
- sustainable design and construction;
- incorporate landscape buffers;
- an evaluation of archaeological importance to ensure protection of heritage assets; and
- comprehensive sustainable urban drainage system.

- 7.8 The proposal has been amended since the application was submitted to the Local Planning Authority. The application site now only covers approximately half of the land identified within the Core Strategy (see extract from Core Strategy below) but would still provide for 250 dwellings.

Figure 4.5: Bromyard Key Diagram



- 7.9 Although comments received citing the loss of agricultural land and the preference for the use of brownfield sites as reasons for resisting the development are noted, the quantum of housing required to be delivered cannot be met in this manner alone. The site has been identified within the Core Strategy as suitable for housing development but nevertheless does not in itself render other sites under consideration as being unsuitable.
- 7.10 As such, the principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposal is also capable of complying with other relevant development plan policies and any other material considerations.

Design and layout

- 7.11 As well as the expectations of development of this site set out through Policy BY2 of the Core Strategy, Policy SD1 seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including resources for recycling and enabling renewable energy and energy conservation infrastructure.
- 7.12 The application is made in outline, although detailed consideration of both access and layout form part of this application. Matters relating to scale, appearance and landscaping are reserved for future consideration.
- 7.13 A site wide masterplan has been submitted which details the proposed layout, but also in some cases includes details which may be considered to form part of the other 'reserved matters' which would fall to be considered at a later stage, through any forthcoming application for the approval of the respective matters.

- 7.14 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines 'layout' as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 7.15 The layout comprises a three-arm junction to the southern boundary of the site which would provide access from the A44. Given the topography where the ground rises steeply north from the A44, this southern area would be reserved for planting / landscaping and drainage infrastructure, absent of any residential development. Thereafter residential development would flank a spine road which would run through the site taking a curved, sinuous design from which residential roads and provide shared drives would be taken. It is considered that the layout would create an extension which is akin in its form and pattern to Winslow Road whereby smaller residential routes are taken from a principal street.
- 7.16 Along the spine road, dwellings would be spaced to allow generally tandem-parking or set-back garages, removing excess bulk and clutter from the street-scene. Nevertheless, in attempt to form a street hierarchy within the development, densities here would be higher through the provision of some terraces / flats which would help distinguish and provide variety from the less dense residential areas towards the site's edges. The curved design of the spine road would lend some variation and privacy to the street scene, as well as surveillance. It would also be sized as to provide a 3-metre foot-cycleway on the eastern side and a 2-metre footway on the western side throughout. The former would provide a sustainable link to the east of the site to Cherry Tree Close via St Peter's Primary School. In all cases, the residential routes off the spine-road terminate with footway connections to provide pedestrian connectivity around the site.
- 7.17 As part of the layout, land is allocated for the expansion of St Peter's Primary School and therefore addressing any future identified need for new or improved classroom provision, an expectation that Policy BY2 of the Core Strategy places upon any development of this site. The Section 106 would secure that the parcel of land is transferred to the Local Education Authority (LEA) and in the case where after all reasonable endeavours this is not successful, an in lieu contribution would be made to the LEA towards St Peter's Primary School. Consideration has been given to the placement of a drop-off parking area to serve the school however this is not included within the school expansion land to ensure that development potential and flexibility in the future is not compromised or restricted. The proposed 3-metre foot-cycleway as above set out would be delivered in the first phase (secured by condition) and therefore would encourage new active travel and sustainable patterns of movement which may otherwise be tempered should dedicated school drop-off parking be provided at an initial stage. With this, there is no initial proposal to provide a one-way system through this part of the development. This would in any case require a Traffic Regulation Order (TRO) but may be considered at a point in time.
- 7.18 The design of the layout would broadly take account of the site's context and constraints in terms of the topography, existing field parcels and delineations as well as the proximity to the surrounding open-countryside. Upper Hardwick Lane, forming part of the local highway network, invariably divides the site in to component parts and this has presented both limitations and opportunities for the scheme. The positioning of buildings to the immediate west of the point in which Upper Hardwick Lane would cross the spine-road has been a priority consideration in the formulation of the layout, principally in order to achieve a degree of permeability across the two component parts of the development and to aid and encourage connectivity and integration. This has been secured through buildings set further back from the spine-road with opportunities for landscaping to create a destination / focal point within the site – linking to the park and open-space to the north.
- 7.19 At the northwestern extent of the site provision is made for drainage infrastructure with residential development set away from the boundary but roughly following the contours of the site. To the other northern, western and eastern boundaries of the site, residential development would generally not sit immediately adjacent to open-countryside – with the provision of footways or

space for other landscaping providing a buffer. In such edge of development locations, the layout would make efficient use of the site through accommodating allotments, communal gardens and children's play on the way features. In all case, the layout is designed to provide natural surveillance to these features within the development.

- 7.20 The layout allows for sufficient landscape buffers along the edge of the application site, as well as being formed through existing trees and vegetation along existing internal boundaries within the site. The layout's response to this would go some way in responding to the local context and green infrastructure of the area and visually disaggregate the development.
- 7.21 In the round, the layout is considered broadly satisfactory whereby it would help facilitate, in conjunction with any forthcoming consideration of acceptable reserved matters, residential development that would comply with the site specific requirements of Policy BY2.

Access, highway safety and connectivity

- 7.22 As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 7.23 Core Strategy policy MT1 of the Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. The NPPF requires development proposals to give genuine choice as regards movement. Core Strategy Policy SS4 requires developments to minimise the impacts on the transport network.
- 7.24 As previously rehearsed, Policy BY2 states that housing development would be accessed off the A44, likely in the form of a roundabout. In the evolution of the proposal and taking account land constraints, a new three-arm signal-controlled junction on the A44 is proposed. As set out within the updated Transport Assessment (TA), traffic surveys were undertaken and completed in 2022 as well as modelling of the proposed site access junction (this also included a scenario where the junction hosts a fourth-arm to serve potential residential development of the site to the south of the A44 (190111 refers). Nevertheless, the TA confirms that the junction could operate within capacity and is designed to an acceptable, adoptable standard. The existing 30mph speed limit would be re-located to the west of the site access, roughly in line with Stonehouse Farm. This would change the nature of the road environment on the approach to Bromyard from the west and would be secured by way of a TRO.
- 7.25 The access and internal layout of the site has evolved following extended discussions between the applicant and the LPA and LHA. The access from the A44, together with the width of the spine-road carriageway (6-metres) running through the development would be such which would enable to provide the requisite capacity should the remainder of the area of land identified for housing to the north and east come forward at a later stage – on the basis of it connecting with a junction on the B4214 Tenbury Road. It is crucial to note however that while the spine-road is designed to suitably accommodate the quantum of development which may be realised through the strategic site in its entirety, as well as buses, it is not designed to accommodate HGVs or otherwise serve as a by-pass for the town or diversion of through traffic to and from the A44 and B4214.
- 7.26 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 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.

- 7.27 There are similar implications for the residential roads off the spine road whereby the required visibility splays are not accurately or correctly identified on the submitted plans when considering the layout. While this is regrettable and ought to have been addressed following consistent input from the LHA, there would again appear to be no substantive reason as to why the required splays cannot be achieved within the layout. It should be noted that scale is a reserved matter and this concerns, inter alia, the width and length of buildings. As such, it may prove necessary that any forthcoming reserved matters application(s) which deals with scale results in slight adjustments to the footprint of some of the buildings shown on the layout plan, in order to demonstrate the provision of the required visibility splays throughout the site, to ensure highway safety.
- 7.28 There are other issues identified on the submitted plans which relate to the provision of one-way-systems, absence of service strips and radius of the corner within the central square. These are matters which would be considered further should the road be put forward for adoption but do not raise any particular highway safety implications.
- 7.29 The development of the site would dissect Upper Hardwick Lane and bollards are proposed to the southern part of the intersection with the spine road, to prohibit vehicle from travelling this way from the northern part of the development. This would provide benefits to pedestrians using Upper Hardwick Lane and would be managed and secured through a TRO.
- 7.30 The level and space apportioned for plot and visitor parking is considered acceptable having regard to the HC Highway Design Guide for New Developments and vehicle tracking (swept path analysis) has been provided where requested by the LHA to provide assurance that larger vehicles can safely access and traverse the site – this is with specific regard to Upper Hardwick Lane north of the spine road. The Council’s Waste and Recycling Team have reviewed the latest layout and are satisfied that Refuse Collection Vehicles (RCV) would safely and appropriately be able to serve the development, with the site being built to an adoptable standard. The submitted refuse strategy for the site sets out that the layout has taken account of the distances in which waste and recycling crews are able to physically move recycling bins in areas in which they cannot traverse with the RCV (non-adopted areas) and have provided suitable collection points.
- 7.31 Policy BY2 of the Core Strategy expects that development of the site would provide for sustainable links (including pedestrian and cycle) to and from the residential roads which are taken from Winslow Road and generally flank the southern and eastern boundaries of the site. Policy BY1 also places an expectation on new development in facilitating a genuine choice of modes of travel which inter alia, includes cycling and walking.
- 7.32 There have been numerous iterations of the proposed development which have influenced, amongst other constraints, the current proposed pedestrian and cycle links which would serve the development. The proposed links can be summarised as follows;
- Connection north of site from Upper Hardwick Lane to existing PRoW WN1.
 - New 3-metre pedestrian and cycle-way running from central spine-road along the southern boundary of the site and school expansion land to connect with St Peter’s Primary School and Cherry Tree Close, providing access thereafter to Winslow Road. It is confirmed within the revised phasing plan that this would be delivered in Phase 1 and therefore encourage and facilitate active travel and sustainable patterns of movement from the outset.
 - Connection from spine-road to existing PRoW WN2 to rear of proposed properties and Damson Tree Close, providing access thereafter to Winslow Road.

- New pedestrian access from southern end of spine-road, across Upper Hardwick Lane to provide connection to Flaggoner's Close, providing access thereafter to Winslow Road and the A44 West Hill and Panniers Lane for the Queen Elizabeth High School. There would be highway works to the bend in the road on Upper Hardwick Lane to improve safety.

7.33 There is an acknowledgement that sustainable links would optimally be taken from all residential roads leading from Winslow Road, including Hardwick Close and Damson Tree Close as per Policy BY2 of the Core Strategy. Regrettably, due to land constraints, new connections to and from the development are not possible in all of these locations (apart from the existing narrow PRow connection to Damson Tree Close as above outlined). This does result in a quite significant impermeable eastern edge to the development.

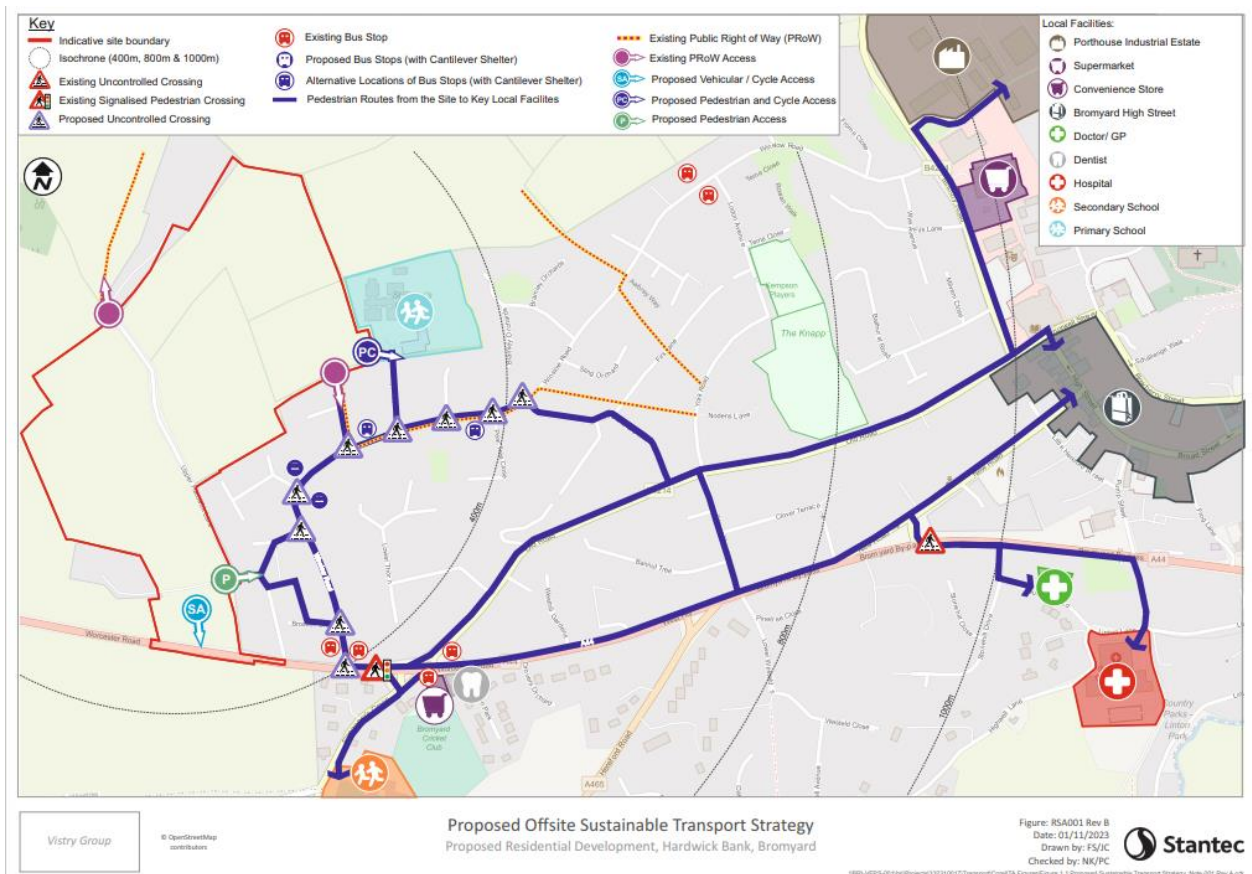


Figure 2 – Proposed off-site sustainable drainage strategy

7.34 The 3-metre shared cycle-footway would be provided prior to the first occupation of any of the dwelling in the first phase of development, secured through condition. As illustrated by **Figure 2**, the broad positioning of the site relative to the principal services and facilities afforded within Bromyard town-centre means that the proposed pedestrian and cycle route which runs centrally through the site along the spine-road and then connects with Cherry Tree Close at St Peter's Primary School would provide a relatively direct route to the town-centre for the majority of the development. Crucially, the link would provide an appropriate safe and secure means of access to the primary school and should therefore not result in the development exacerbating parking issues associated with school drop-off / pick up along Winslow Road. With this in mind, although the extent of the impermeable edge to the eastern boundary of the development (caused by an inability to create connections to Hardwick Close and Damson Tree Close) is unfortunate, it is not considered so impactful on the overall objectives of encouraging sustainable movement within the development and the wider locale as to substantiate refusal of the application.

- 7.35 It should be noted that no alterations are proposed to the southern end of Upper Hardwick Lane and no pedestrian or cycle provision is proposed from the site access with the A44 along to the junction with Upper Hardwick Lane and Winslow Road. Upper Hardwick Lane where it crosses the spine-road to access Stonehouse Farm would be adopted. The applicant has omitted proposed upgrades to Upper Hardwick Lane and improved footway provision along the A44 to Winslow Road following discussions with Bromyard Town Council. The formal footway connection to the south of the site therefore relies on Flaggoners Close and Winslow Road. As set out within the comments from the LHA, it is acknowledged that a connection which relies on Upper Hardwick Lane and the A44 would likely provide a more direct means of pedestrian access to the services and facilities and bus stop at the junction of West Hill and Panniers Lane (and the Queen Elizabeth High School) 'as the crow flies', despite the formalisation of an indirect route as is proposed. Nevertheless, subject to additional contributions being sought to provide the A44 footway improvements when required (would not be prior to occupation) on balance, the current scheme is considered adequate whereby pedestrians would be routed via an existing residential area (Flaggoner's Close and Winslow Road) before reaching the aforementioned destinations. Therefore, absent of any required upgrades to the existing footway provision between Upper Hardwick Lane and Winslow Road as part of the proposal itself, the proposed alternative is judged as satisfactory.
- 7.36 Policy BY2 of the Core Strategy states that new highway infrastructure which comes forward as part of the strategic site development should be designed as to not prejudice the delivery of additional development beyond the plan. Although the proposal in itself does not sterilise development opportunities for the remainder of the strategic site as identified within the Core Strategy extending east to Tenbury Road, the LHA have requested a 3-metre land strip between the site access off the A44 and the southern terminus of the foot-cycleway for potential future cycle routes to develop within Bromyard. This has been withdrawn as part of the submission by the applicant. The only cycling access to the development, aside from the carriageway, is through Cherry Tree Close. It is most regrettable that this is the case as this could raise implications in delivering sustainable connectivity should further development within the north and west of Bromyard come forward either during or beyond the current plan period. Indeed, should the remainder of the strategic site come forward – implications could arise in terms of providing suitable pedestrian and cycle connectivity to the west of the town, principally the Queen Elizabeth High School
- 7.37 Limited opportunities exist for such facilities, making this a valuable chance for future connections. The applicant's refusal to incorporate this potentially hampers the LHA's ability to adopt the land, possibly leading to challenges similar to the applicant's own whereby some desired connections to residential roads off Winslow Road cannot be achieved. Future residential developments and longer-distance cycle routes would benefit, but these opportunities hinge on the strip's availability. The LHA requests a planning condition for the 3-metre strip to be provided. The absence of such may give rise to potential sterilisation of future cycle connections should adoption not be possible; as adoption requires serving wider public interests. The LHA believes the removal of this potential link means the wider public would not benefit from site adoption.
- 7.38 Additionally, as part of the off-site highways works to accommodate and facilitate the above set out links from the development, a number of strategically located un-signalised crossing are proposed along Winslow Road as well as bus stop locations close to the junctions with Hardwick Close and Damson and Cherry Tree Close. Noting the concerns raised with respect to increased traffic along Winslow Road generated by the development, these measures should help to encourage active travel through the site and stimulate onward use of public transport. These would be secured through the Section 278 process. The prices of bus fares is not strictly a material planning consideration, nor can the LPA enforce or provide a guarantee of a particular level of service provision; the development would however facilitates public transport links.

7.39 When having regard to the above considerations, the proposal is judged to be such which would demonstrate that local highway network could absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, as well as, on balance and subject to further details, being designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space throughout. When having regards to the expectations of the Core Strategy for this strategic site, it is considered that the development would provide sustainable pedestrian and cycle links which are generally satisfactory to encourage sustainable patterns of movement, as well as facilitating the use of public transport and reducing the reliance of private modes. As such, in terms of access arrangements and overall highway safety and connectivity throughout the site, the proposal in the round can be considered for the most part, to accord with Policy BY1, BY2, MT1 and SS4 of the Core Strategy, as well as the principles outlined in Chapter 9 of the NPPF, in particular Paragraphs 114 – 115 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

Landscape and visual impact

7.40 Policy LD1 requires proposals to 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. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, Policy SS6 sets out that development proposals should conserve and 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.

7.41 The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA), with an addendum to the original supplied as part of the substantive revision to the scheme in 2023. The key conclusions of the LVIA are as follows; -

- Due to the reduction in site area, the overall effects on the landscape character would be highly localised and diminish as distance to the site increases; and
- Due to the reduction in site area, there would be a lesser effect on views from the surrounding countryside (including residential receptors and uses of PRow)

7.42 The site is not subject to any local or national landscape designations. The site falls within NCA 101 – Herefordshire Plateau of the National Character Assessment and within the Timbered Plateau Landscape Character Type of the Herefordshire Landscape Character Assessment (2009). The LVIA acknowledges that the application site lies within the 'Hardwick Hill' zone within Herefordshire Council's Urban Fringe Sensitivity Analysis (2010). This zone is identified as having a 'high' sensitivity.

7.43 As also referenced within the LVIA, the application site contains the remains of a former arable landscape associated with the historic core of the town. Recent residential development (the likes of Winslow Road and associated roads leading off) have extended across this landscape and this has left an abrupt edge between the settlement and the open-countryside. This is captured within the Herefordshire Green Infrastructure Strategy (HGIS) (BroLEZ 3) and broadly informs the area known as Hardwick Bank as identified for residential development through Policy BY2 of the Core Strategy.

- 7.44 In terms of the proposals impact on the character of the landscape, the Council's Built and Natural Environment Team (Landscape) have previously accepted the conclusions of the LVIA which relates to the original scheme of up to -500 dwellings over the original and much larger site. There is general agreement that the development in its current form would extend built form across the site and therefore altering the character at a site level. However, it would read as a natural extension to the existing settlement and edge and therefore would not be discordant with the site's context. There would be an overall minimised impact on receptors given the retraction in the built form and site area compared to the scheme as originally deposited.
- 7.45 In terms of the visual impact of the proposed layout on the development, the Council's Built and Natural Environment Team (Landscape) have raised a number of issues. Firstly, there are concerns surrounding the visual impact of the balancing pond to the northwest of the site, required as part of the surface water strategy. Due to the topography of the site, within the layout currently under consideration there would be a requirement for a retaining feature, indicated at this stage as being a 2.5-metres wall. Although this degree of engineering would invariably present as a potentially oppressive feature within the development, it would be read against a backdrop of residential development and other associated hard landscaping and infrastructure. It is only the acceptability of the layout which is for consideration at this stage. Therefore, although the layout as deposited would require this feature – it would be incumbent on any forthcoming reserved matters application that deals with scale, appearance and landscaping to demonstrate that the feature could be incorporated within the scheme without any discernible visual harm to the landscape. Nevertheless, there would be space within the layout to provide some peripheral / marginal landscaping along the retaining wall.
- 7.46 As previously underlined, the overall layout is considered broadly acceptable, reflecting existing patterns of development found to the east. Building lines and the positioning of plot specific parking and detached garages are generally such which would be conducive to an attractive street-scene but acceptable details submitted pursuant to the remaining reserved matters would be required to ensure that the development would not have an unacceptable visual impact. Some concern has also been raised by the Built and Natural Environment Team (Landscape) with respect to the fact that the submission indicates tree planting to be located within individual respective plots. The submitted illustrative landscape plan however does illustrate significant potential for landscaping strategically located throughout the open-space and along the site's edges – both in the form of new planting and the retention of existing trees and hedgerows. Street trees are indicatively proposed to be located along the spine road and while these are not consistent, it may not be entirely characteristic in this location to insist on a formalised boulevard type arrangement given the distinctively rural and edge of settlement character of the site. Furthermore, it would need to be demonstrated that proposed trees are located appropriately, in accordance with arboricultural guidance to ensure that they establish themselves successfully. In any case, such details would be formally considered as part of landscaping with any forthcoming reserved matters application but crucially, the layout is not considered such which would prejudice an acceptable landscaping strategy for the site.
- 7.47 Comments in terms of the surfacing (roads and footpaths) are noted but these would be considered as part of landscaping at any forthcoming reserved matters application and ultimately, would be subject to meeting an acceptable specification to be submitted as part of details secured by condition and / or for adoption as part of the Section 38 process.
- 7.48 Further details with respect to landscaping throughout the Public Open Space (POS) would again come forward as part of any forthcoming reserved matters application. It is again not considered that the layout as deposited would compromise the ability for a visually attractive public open space to be delivered which encourages use and connectivity thereto.
- 7.49 The applicant has submitted an Arboricultural Impact Assessment which outlines the trees to be removed and those identified for retention as part of the development. Some trees proposed for

removal have been done so on the basis that they are understood to have Ash die-back. In total, 5no trees are proposed for removal, with 8no. being affected (development encroaching onto root protection areas). The submitted Landscape Technical Note identifies extensive replacement planting opportunities throughout the site.

- 7.50 It should be noted that a group Tree Preservation Order (TPO_681) has been served by Herefordshire Council, this covers 12no. individual trees and 4no. groups of trees within the bounds of the application site. The applicant contests this on the basis that three of the trees covered by the TPO are identified for removal in order to facilitate development. These are located within the POS and due to alleged die-back, their removal is considered necessary to ensure that publicly accessible areas are safe. It is noted that there are separate processes available to the applicant for challenging the TPO / applying for its (partial removal). Therefore, the granting of this outline planning permission would not hinder the applicant's ability to seek removal of these trees should there be considered a safety implication requiring such. Otherwise, the trees covered by the TPO would not conflict with the layout under consideration.
- 7.51 Therefore, when considering both the impact of the development on the character of the landscape as well as overall visual amenity, the quantum of development proposed together considering the revised layout is not considered such which would give rise to any discernible tension with Policy LD1 of the Core Strategy. It would allow for development that both respects the townscape, landscape and green infrastructure of the area, as well as enabling landscape buffers to mitigate the impact of the development on the wider landscape. The proposal is therefore in accordance with the expectations of Policy BY2 of the Core Strategy.

Public open space

- 7.52 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision. Policy BY2 of the Core Strategy states that a new formal park should form part of the residential development, complemented by new play and sports facilities and allotments.
- 7.53 The layout of the site allows for an extensive POS (in total amounting to 0.23ha) which would feature centrally positioned POS within the development. This enables pedestrian connectivity from the western side of the development (other side of Upper Hardwick Lane) as well as from the spin-road to the south and from pedestrian connectivity routes taken from the end of residential roads. The park and open-space would take advantage of the topography of the site in order for abutting residential development to provide natural surveillance. Children's play has been sited throughout the site, increasing connectivity and overall multi-functionality. Maintenance and management would be secured by way of the Section 106 agreement and the landscaping, scale and appearance of these elements would be considered as part of any forthcoming reserved matters application(s).
- 7.54 Allotments and community gardens are suitably located throughout the site and the management of these would also be secured through the Section 106 agreement.
- 7.55 The provision is considered such which complies with the requirements of Core Strategy policies OS1, OS2 and BY2.

Public rights of way

- 7.56 PRoW WN2 runs north and then west through the northeastern part of the site. The layout under consideration would impact on the current definitive route of the PRoW. In such circumstances, the applicant would need to obtain a separate consent in respect of the rerouting of the PRoW. This process would take place outside, and separate to the determination of this application and

should any issues arise which result in changes to the PRow not being supported, the applicant would have to seek alterations to the approved layout utilising the most appropriate mechanism depending on the scale and nature of the required changes. It is important to emphasise that the granting of planning permission does not override this other legislation (Highways Act). As such, any concerns relating to the impact of the layout on the existing PRow should not delay the determination of this planning application, nor would it be reasonable to refuse the application on that basis.

- 7.57 As above outlined, the development looks to utilise WN2 as an off-site connection where it runs along the southern boundary of the site and provides access to Damson Tree Close. Although it is not possible to widen this relatively narrow link, the proposal would upgrade this to tarmac surfacing which would make it more user-friendly for pedestrians and provide an alternative link to the 3-metre pedestrian-cycle way which links the site with Cherry Tree Close at St Peter's Primary School.

Impact on residential amenity

- 7.58 Policy SD1 of the Core Strategy seeks to ensure development does not give rise to any adverse impacts on the amenity of existing or future occupiers. For a residential scheme, this could be as a result of overlooking, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution.
- 7.59 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.
- 7.60 Development on the site has the potential to impact on existing residents, particularly where residential development is to be positioned 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 first floor windows in the elevations of any new buildings sited close to existing properties might result in unacceptable overlooking and a loss of privacy.
- 7.61 In this case, layout it to be considered as part of this outline application. The area in which proposed development is to be located closest to existing residential properties is to the north of Hardwick Close and Damson Tree Close. Whilst Herefordshire Council does not currently have any guidance on spatial standards for housing, typically distances of between 21 and 23-metres between the rear and opposing dwellings are used for assessing whether there would be any loss of privacy (and slightly less between the rear of a dwelling and a side gable-end wall).
- 7.62 In terms of Hardwick Close, the closest arrangement would be 16-metres between No 31. Hardwick Close and the proposed dwelling positioned to the corner of Upper Hardwick Lane and the spine road. This would likely be a gable-end / rear of dwelling arrangement and the impact would be mitigated through the retention of the existing boundary trees and vegetation which could be further considered as part of any reserved matters application relating to scale and landscaping. A similar arrangement and distance would be present to the north of No. 16 Hardwick Close. Here, there is currently less robust boundary vegetation with a post and wire fence at the end of Upper Hardwick Close providing extensive views into the site. As indicated on the illustrative site masterplan, in this location a landscape buffer is proposed and this would go some way in diminishing the impact of the new development to the immediate north.
- 7.63 Other rear to rear opposing distances would be in excess of 21-metres at both Hardwick Close and Damson Tree Close. There would much greater separation between existing properties along the west of Hardwick Close and Flaggoners Close, in-part a consequence of Upper Hardwick

Lane which intervenes and provides additional screening / barriers between new development and existing properties.

- 7.64 Within the site, distances between properties vary but are broadly acceptable. Rear to rear distances between the properties in the cluster to the immediate west of the school expansion land are around 16-metres and there are a small number of other areas throughout the development where the layout indicates less than what may *usually* be considered as an acceptable separation distances. However, details of scale, appearance and landscaping are reserved for future consideration. It is not considered that the layout is such which would prohibit acceptable levels of amenity being afforded to future occupiers and it would be dependent on appropriate scale and fenestration arrangements. In the absence of any supplementary guidance on this matter, it is not considered that refusal of the application on grounds of amenity when solely considering layout would be adequately substantiated.
- 7.65 Whilst concern in respect of the loss of views is understood, it is a well-established principle that there is no right to a private view and the loss of such is not a material planning consideration. This issue is not material to decision-making and must not be attributed any weight.
- 7.66 In terms of the impact of the existing acoustic environment on future occupiers, the Council's Environmental Health (Noise) Team have not raised any notable objection to the proposal. The development would be set well back from the A44, principally due to topographical and landscape constraints and this means that no proposed dwellings would be positioned proximal to the A44. There is an existing telecommunications mast located to the far southwestern corner of the site and this has been recorded to emanate some sound. This has not been identified as a cause for concern by the Environmental Health Team and the proposed dwellings would be positioned roughly equidistant from the mast as is Stonehouse Farm to the south. However, to ensure acceptable standards of amenity, safeguarding conditions are recommended which seek further details to ensure internal habitable accommodation is subject to acceptable levels of noise.
- 7.67 A construction management plan for each phase condition 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 any other residential use.

Drainage, flooding and water resources

- 7.68 Policy SD3 expects that new development comprises effective and sustainable water management in order to reduce flood risk. This includes ensuring that development proposals are located in accordance with the sequential test and exception tests where appropriate, consistent with the overarching guidance and principles as set out within the NPPF. Furthermore, development should include appropriate sustainable drainage systems (SuDS) to manage surface water according to the hydrological setting of the site.
- 7.69 As required, the application is supported by a Flood Risk Assessment (FRA). It confirms that the site is location within Flood Zone 1 which is at the lowest risk of flooding, with the effects of climate change. The site is not at risk of surface water flooding, or from any other sources.
- 7.70 As expected from the layout and any form of development of this quantum, the amount of impermeable area would increase and this can in turn lead to increased runoff rates. In this case, the proposed outfall is to a ditch upstream of the River Frome and therefore any increased flows would lead to flooding on remote agricultural land, away from developed areas. Where there is an increase of impermeable areas, water runs quicker into rivers and streams and this has implications when taking account of receptive volumes, increasing the risk of downstream flooding.

- 7.71 Some limited infiltration testing has been undertaken on site although infiltration is likely only viable in certain isolated areas of the site. Additional testing would be required and supplied as part of further details to highlight where infiltration to ground could be incorporated within the site wide drainage strategy.
- 7.72 On the basis that infiltration is broadly not an option across the site, attenuation basins are proposed with controlled discharge. It is acknowledged that it is difficult due to the topography of the site to size a basin which can store the 100 year + climate change storm. It is therefore proposed to use additional flow controls, and the BBLP Land Drainage Team are satisfied that further details could be provided at a later stage and secured through appropriately worded planning conditions. For example, the strategy could include below ground storage within areas of open space (in the form of geocellular crates) uphill of the attenuation basin, or beneath it. Consideration would need to be given to ensuring that controls are in place to ensure that water from small rain events drains to the basin and is not stored within the creates, otherwise the basin would remain dry which can lead to a number of implications relating to visual impact, overall amenity and adoption.
- 7.73 It should be noted that above ground features would not be adopted by DCWW; therefore the basins would be adopted by Herefordshire Council, or via a private management company and a condition is recommended to secure such details.
- 7.74 Consideration has been given to instances where blockages occur or where rainfall events occur that exceed the capacity of designed strategy. Exceedance routes have been provided which details the overland flows which are considered acceptable. Nevertheless, details would need to be supplied on plans as part of details secured by condition or at any forthcoming reserved matters submission(s).
- 7.75 The BBLP Land Drainage Team have recommended that the applicant engage in discussions with DCWW in achieving a solution which is capable of adoption. Nevertheless, the constraints of the site and the layout as deposited are considered satisfactory to provide comfort that further details could be secured through condition.
- 7.76 In terms of foul water, there would be a requirement to connect to the existing mains sewer served by DCWW within Bromyard. DCWW have advised that there is insufficient capacity in the network to accommodate the development. As required by DCWW, a pre-commencement to facilitate a hydraulic modelling assessment is recommended to be attached to any outline planning permission. This would determine the point of connection following any require reinforcement works to the system.
- 7.77 Some concern has been raised with respect to low water supply issues within the immediate locality, namely Damson Tree Close. DCWW advise that there are existing capacity issues and that the supply system would not be able to serve the development without having a detrimental impact on existing customers' water supply. Therefore, a hydraulic modelling assessment would be required and the potential delivery of reinforcement works as well as the provision of a new water main to serve the development. This is regulated through the relevant sections of the Water Industry Act (1991) and therefore it would be necessary to impose planning conditions relating to matters of potable water supply.
- 7.78 In the round, the proposal development, taking account the layout under consideration is judged as satisfactory insofar further details could be secured at a later stage in order to make the development acceptable from a flood risk and drainage perspective. As such, no tension with Policy SD3 and SD4 is identified.

Ecology

- 7.79 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.80 Given the period of time in which the application has been under consideration by the LPA, a number of ecological surveys and updates have been completed over this extended period to reflect any potential changes over time and to ensure that they are relevant for consideration.
- 7.81 As set out in the comments provided by the Principal Built and Natural Environment Team (Ecology), the submission identifies some specific areas of ecological interest throughout the site where there are some small populations of protected species, often associated with existing ecological corridors of trees and hedgerows.
- 7.82 Although the application is made in outline (with access and layout for consideration at this stage), the illustrative plans do indicate the retention or significant amounts of green infrastructure. Indeed, the layout itself assists in adding to the biodiversity of the site through the location of POS along retained green infrastructure and ecology corridors. This is considered sufficient to inform more detailed ecological enhancements which would come forward at a later stage (through conditions or landscaping reserved matter(s)) and ensure accordance with Policy LD2 of the Core Strategy.

Impact on the River Lugg / Wye Special Area of Conservation

- 7.83 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 7.84 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 7.85 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 35.08kg TP/year (including 20% buffer) which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 7.86 Noting the above, the Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 35.08kg TP/year, the Applicant is required to purchase credits to the value of £491,120. This would be secured by a Section 106 legal agreement.
- 7.87 The Council continues to explore the option with the applicants to offer a phased approach to the purchase of the credits and the use of Section 106 agreements to be able to facilitate this but this is dependent upon alternative mitigation (such as a further wetland) being progressed. The recommendation below allows some flexibility with this approach to allow for the further exploration of this.

- 7.88 The Council's Built and Natural Environment Team (Ecology) has completed an Appropriate Assessment (**Appendix 5**). This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposed development is nutrient neutral and as such compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

Climate change

- 7.89 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.
- 7.90 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living and sustainable modes (as defined by the NPPF). The NPPF sets out that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this it looks to ensure development is designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 7.91 The site is located, as set out above, to deliver sustainable development amongst which includes reducing the need to travel by private car, on the edge of Bromyard. The location lends itself to the ability to walk or cycle to the town centre and other services and facilities nearby including primary and secondary schools.
- 7.92 The development would also deliver substantial open and recreational space within it, secured through a Section 106 agreement with details delivered in matters reserved for future consideration. Accordingly, the proposal is located whereby many day to day functions and journeys by future occupiers could be undertaken without the need to use a private vehicle.

The development includes significant areas of formal and amenity open space along with opportunities for a substantial amount of new planting exceeding previous green coverage on the site with regards to trees, hedgerow and habitats. Precise details would be secured through a combination of the Section 106 agreement and within any subsequent reserved matters application(s), however with regards to the requirements of Policy BY2 of the Core Strategy and illustrative masterplan, it is clear enhancements and gains would be achieved.

- 7.93 Furthermore, the application is supported by an 'Energy and Sustainability Statement' which seeks to demonstrate how the development would achieve optimum energy efficiency and carbon reduction in line with policy requirements and other regulatory standards. A 'fabric first' approach is proposed, incorporating high standards of thermal insulation, airtightness, and thermal bridging together with efficient heating and lighting systems. It also appraises the feasibility of low carbon and renewable energy systems. With this, it advises that air source heat pumps are likely the best option for delivering low carbon heating to all dwellings. Solar photovoltaic systems would be feasible for the development and would make efficient use of south facing elevations throughout the development.

Affordable Housing / Housing Mix

- 7.94 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities and as set out through Policy BY2, this means providing a target of 40% affordable housing.
- 7.95 The proposal looks to provide 125 open-market dwellings (50%) and 125 affordable dwellings (50%) which is inclusive of 25 (10%) additionality grant funded units on top of the target 40% otherwise provided as part of the development.
- 7.96 In terms of open-market provision, the mix provided would be 15% 2-bedroom (houses and bungalows), 65% 3-bedroom and 20% 4-bedroom. When having regard to the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA) for Bromyard (Urban) Housing Market Area (HMA), the mix as deposited is slightly skewed towards the larger bedroom numbers but is generally responsive to the overall HMA need and would include the provision of both houses and bungalows which, in context of limited housing delivery within Bromyard through the plan period so far, is acknowledged as an overall benefit with the HC Strategic Housing Team raising no objection in this regard.
- 7.97 In terms of the affordable rented provision (45 units), this would come forward as 18% 1-bedroom (flats and maisonettes), 42% 2-bedroom (flats, bungalows and houses), 22% 3-bedroom and 18% 4-bedroom. This is broadly considered an appropriate mix and although there is some disagreement in the submission with the HC Strategic Housing Team with respect to the provision of 1-bedroom accommodation (especially in terms of flats), the mix as deposited does respond to the HMANA in which Policy BY2 directs to, irrespective of potential more recent demand changes. Concerns with respect to maintenance and associated perceived disbenefit of flatted accommodation are noted but this is considered a management issue of any forthcoming registered provider and cannot of itself substantiate the overall resistance of such affordable provision.
- 7.98 30no. units of shared ownership homes would be provided at a 50:50 split between 3 and 4-bedroom. A policy compliant (25) amount of First Homes would be provided in the way of 19 2-bedroom, 5 3-bedroom and 1 4-bedroom.
- 7.99 As required, the additionality grant funded units would be tender neutral and would be agreed based on up to date evidenced local need between the LPA and any registered provider. If these additional affordable units are not delivered as such, the dwellings would be provided as open-market and contributions would be sought on these units (this requiring a variation to any approved outline planning permission given the consideration and approval of layout at this stage).
- 7.100 It should be noted that the proposed 2 out of 6 of the 2-bedroom bungalows proposed for affordable rent, have been amended to be M4(3) wheelchair accessible bungalows. The remaining bungalows would be M4(2) accessible and adaptable. It is considered that this broadly demonstrates accordance with Policy H3 as it would provide housing capable of meeting the specific needs of the elderly population.
- 7.101 The layout and tenure plan demonstrates that the affordable provision would be pepper-potted throughout the site and evenly distributed across both Phase 1 and Phase 2 to ensure appropriate and responsive delivery.
- 7.102 The affordable provision which prioritises local connection to Bromyard would be secured through the Section 106 agreement as detailed below, with the housing mix secured by way of planning conditions.

Section 106 - Planning Contributions

- 7.103 Core Strategy Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in Paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (Section 106 agreement). To meet the tests obligations must satisfy all of the following:
- 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.
- 7.104 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services). The agreement would also provide for the transfer of the land identified for the expansion of St Peter's Primary School to the LEA.
- 7.105 These contributions are set out within the draft Section 106 agreement and also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out. A summary is set out below in **Figure 3**.

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 £375.36 (index linked) per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	<p>A financial contribution of;</p> <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 <p>to provide the education facilities at Bromyard Early 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

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

	<ul style="list-style-type: none"> • £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	<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 supporting active travel measures.</p>
On site Public Open Space and Play	<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) • 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 3 – Summary draft Heads of Terms

Other matters

7.106 Received representation has raised concerns with respect to the widening of the footway between upper Hardwick Lane and Winslow Road insofar that it would encroach onto private property. Footway provision along this stretch has been omitted from the proposal but nevertheless it should be noted that the LHA have been to site to measure and it is confirmed that the improvements could be accommodated within highway land. In any case, notwithstanding the existing structures (steps etc.) that exist here, adverse possession cannot be claimed for highway land.

CONCLUSION

- 7.107 The proposed development forms part of a strategic site and would deliver 250 dwellings, the minimum requirement for the site as a whole. The site is within easy reach of the market town of Bromyard, the local highway network and existing services and facilities within the town. It is therefore considered to be a sustainable location. The proposed layout is considered broadly acceptable whereby it would provide, and allow for, the requisite level of open-space and associated infrastructure without compromising visual amenity or resulting in any notable adverse landscape impacts. Highways and connectivity matters have largely been satisfactorily resolved; the proposal would enable active travel links to surrounding residential areas and services and facilities and; would not sterilise the ability for further development of the remainder of the strategic site.
- 7.108 The development would give rise to both social and economic benefits which would include but not be limited to the initial boost to the local economy during the construction phase, albeit the extent and magnitude of this cannot be guaranteed. There would however be inevitable spend from future occupiers and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community.
- 7.109 Financial contributions would also be secured and these would provide for additional local infrastructure capacity where required, including local education and GP provision, noting acknowledged strains. In the context of local concerns with respect to capacity, this is considered to be a benefit of the development.
- 7.110 Subject to a well-considered reserved matters application(s), it is reasonable to conclude that there would be no discernible adverse environmental impacts; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location.
- 7.111 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for affordable housing (and other) contributions, including the purchase of phosphate credits from Herefordshire Council to make the development nutrient neutral.

RECOMMENDATION

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 construction 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 compliment 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 dwelling within any phase of residential development hereby permitted, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

- 23 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.

- 24 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

- 25 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.

- 26 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

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

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

- 28 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

- 29 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

- 30 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.

- 31 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.

- 32 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.

- 33 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.

- 34 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.

- 35 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.

- 36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.**

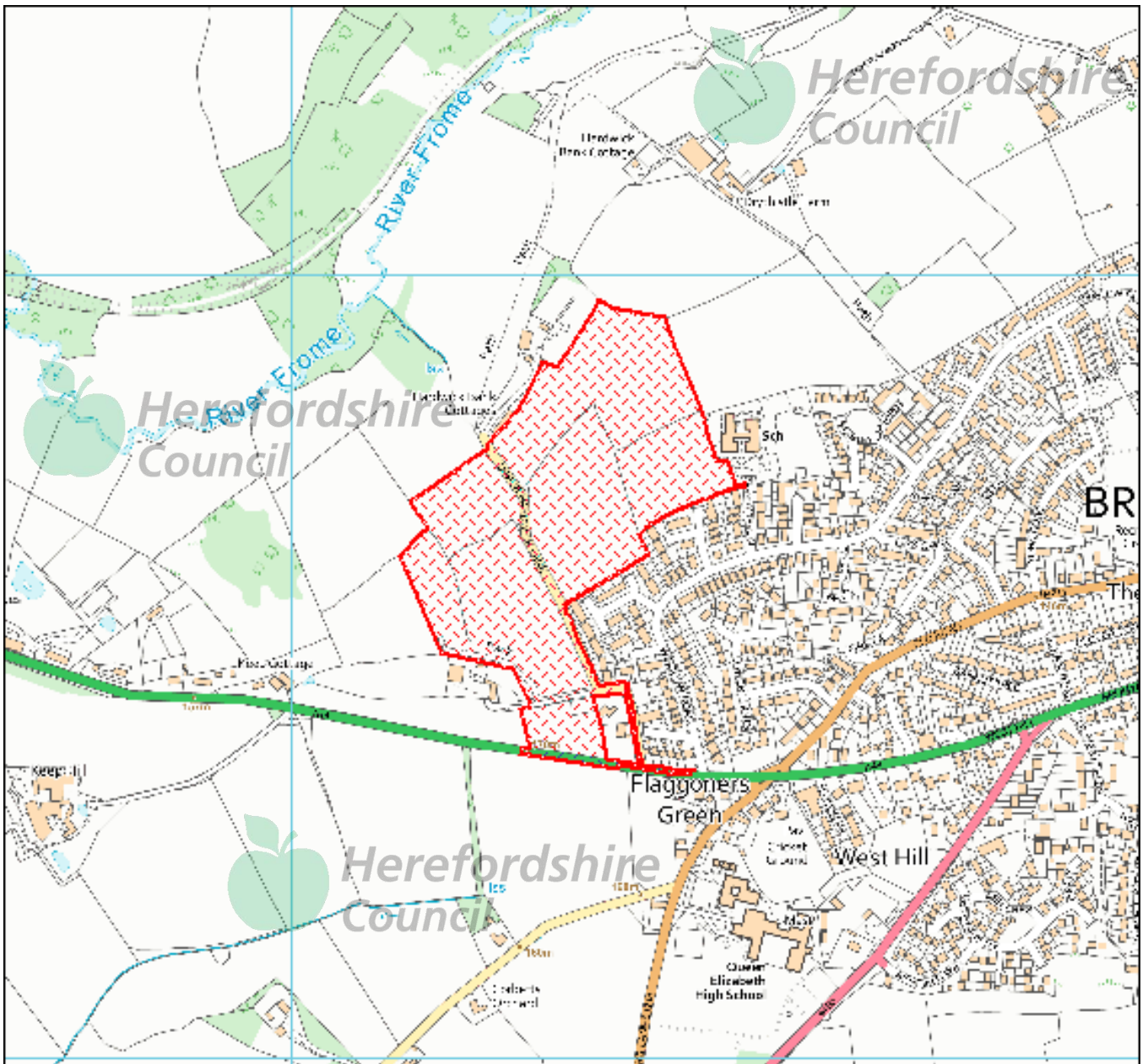
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Background Papers

None identified.

List of Appendices:

- Appendix 1** – Local Highway Authority comments dated 6 October 2023
- Appendix 2** – BBLP Land Drainage comments dated 20 December 2023
- Appendix 3** – BBLP Land Drainage comments dated 28 November 2023
- Appendix 4** – BBLP Land Drainage comments dated 18 July 2023
- Appendix 5** – Habitat Regulations Assessment



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APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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