

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 19 November 2025**

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Time: **10.00 am**

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Place: **Conference Room 1 - Herefordshire Council, Plough  
Lane Offices, Hereford, HR4 0LE**

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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](mailto: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 Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Matthew Engel**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Charlotte Taylor**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

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<b>NOLAN PRINCIPLES</b>	
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To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 32
To approve the minutes of the meeting held on 15 October 2025.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 222138 - LAND AT THREE ELMS, NORTH EAST QUARTER TO THE NORTH EAST OF HUNTINGTON AND BOUNDED BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7RA</b>	33 - 176
Outline Planning application with all matters reserved, except access, for the first phase of an urban extension comprising up to 350 homes (Use Class C3); and a care home (Use Class C2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works.	
<b>7. 251073 - AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY</b>	177 - 226
Proposed two-storey educational building with associated landscaping and infrastructure works.	
<b>8. 252087 - THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN</b>	227 - 246
Proposed change of use from a public house (Sui Generis) to a dwellinghouse (Class C3).	
<b>9. DATE OF NEXT MEETING</b>	
Date of next site inspection – 9 December 2025	
Date of next meeting – 10 December 2025	





# **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 Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
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 Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 15 October 2025 at 10.00 am**

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

**Councillors:** Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Matthew Engel, Catherine Gennard, Peter Hamblin, John Stone, Charlotte Taylor, Richard Thomas, Diana Toynbee and Mark Woodall

**In attendance:** Councillors Jonathan Lester, Philip Price and Rebecca Tully

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

**31. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Stef Simmons.

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

Councillor Diana Toynbee acted as a substitute for Councillor Simmons.

**33. DECLARATIONS OF INTEREST**

Councillor Matthew Engel declared an interest in agenda item no. 9, application 251363, as a close personal associate of the family of the applicant.

**34. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 3 September be approved.

**35. 223128 - BARNS AT MONKS BURY COURT, MONKHIDE, VILLAGE ROAD, MONKHIDE, HR8 2TU**

The planning officer provided a presentation on the application and provided the following verbal update to the committee:

*A further email regarding the application had been received which raised 2 points:*

*On the foul water drainage strategy, the proposal is to lay a discharge pipe from the package treatment plant to the River Lodon to the east. The applicant states that he has the relevant ownership. However, he only has ownership to the culvert / ditch immediately to the east of the site and not to the river tributary itself some further distance away. He cannot discharge into the culvert as this is dry for part of the year and subject to flooding in periods of heavy rain. This needs clarification as I am not sure everyone understands the nature of what is being proposed. Indeed,*

*I am fairly sure that Land Drainage believe discharge will be into the river and not the culvert whereas the developer is intending to use the culvert.*

*On the traffic, paragraph 6.60 of your report is technically incorrect.*

*Traffic from the site cannot turn right through Monkhide as this access is private and restricted with access only being granted to the residents of Monksbury Court itself, the emergency services, and Herefordshire Council's utility services. I believe the owner of LTF Properties (applicant) has a similar right. Furthermore, you will note from the approval of the 7 houses adjacent (192765) that there is a planning condition that residents may only use the access onto the A417 to avoid any increase in traffic on the narrow and twisty road between Monkhide and the A4103. This followed previous concerns of the Highways department in relation to an earlier refused planning application in Monkhide itself. You may wish to make note of this as the condition should also apply to any additional housing as now proposed.*

*A response to the email had been provided by the agent to the application:*

*With regards the comments in respect of foul drainage, you will note that the proposal is for the package treatment plant to discharge to the ditch to the east of the site and not to the River Lodon as suggested. This is documented in the submitted 'Surface Water Management Plan, Flood Risk Assessment and Foul Drainage Strategy: Barns at Monksbury Court Rev. 2' and has been confirmed as acceptable by the Council land drainage officer. The applicant owns the necessary land and permissions for this without the need to cross any third party land.*

*Relevant extracts:*

*'Broadlands Road is to the East of the site which is a private road and has a ditch on the Eastern side. The ditch is an ordinary watercourse.'* (Foul Drainage Strategy)

*'Treated effluent from the Package Treatment Plant should be discharged to the watercourse. The base of ditch level is approximately 97.36mAOD and the site is 98.87mAOD. Therefore the package treatment plant can drain via gravity to the ditch.'* (Foul Drainage Strategy)

*The Applicant has confirmed that they own the land between the redline site boundary and watercourse, so no third party permissions to lay the discharge pipe are required.* (Land Drainage Officer Comments)

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the key considerations for the committee were whether the application site was in the right place and if the layout on the site was appropriate. It was highlighted that Yarkhill Parish Council had made extensive representations on the application containing a significant number of objections. Among objections was the issue of flooding which continued to be a serious concern for the parish council. A key issue centred on whether the proposal made best use of the land in which it was located. The existing housing on the site was felt to be very compact and cramped. There was concern that the current application would introduce another portion of housing within a restricted space which would also feel cramped. In particular, the gardens of the proposed houses were very small. It was understood that an argument could be posed that the proposed housing was in keeping with the vernacular due to the newer houses won on appeal but this was not felt to be a persuasive argument and should not be used to set a precedent. The use of the land on the site plan and the layout of the houses in the application was queried. It was questioned whether the plan would result in acceptable residential amenity for existing and new residents on the site.

It was also queried whether the relationship of the houses to the historic converted barns was appropriate; the new housing proposed was very close to the barns. It was felt that there was scope on the site to change the plans in order to lessen the impact of the new housing on the historic barns and to produce a layout which was less restricted; this would help mitigate the potential impacts on residential amenity to new and existing residents.

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

- The proposed design of the houses was felt to be out of keeping in the local area. There would be an unacceptable impact on the locality and the landscape posed by the design of the houses and alternative materials for the proposed housing should be considered.
- The proposed houses were sited in very close proximity to existing properties on the site and lack of privacy and overlooking were concerns. There was concern that the proposed houses would be overbearing on the barn conversions as a consequence of the ridge heights which were too high. It was felt that existing dwellings on the site would overlook the houses proposed in the application. The proposed houses were in a lower position on the site to those houses that had been approved at appeal. There were no trees planned between housing on the site to provide screening or mitigate the impact of overlooking and loss of privacy. The restricted and cramped nature of the layout would have an unacceptable impact on residential amenity. It was noted that there was scope on the site to change the layout to mitigate the cramped nature of the housing proposed.
- The layout of the site was felt to be very cramped and it was noted there was no rear access to the houses proposed.
- A condition should be added to any permission that was provided to ensure that renewable and sustainable facilities were included in the houses on the site.

The local ward member was given the opportunity to close the debate. He explained that during decision-making consideration needed to be made of existing and new residents whose amenity should be protected. The houses won on appeal on the site did not set a precedent and there were material considerations for the committee to determine during decision making.

Councillor Bruce Baker proposed and councillor Dave Davis seconded a motion to approve the application in accordance with the officer's recommendation and an extra condition to ensure renewable and sustainable facilities were provided in the houses built on the site.

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

Councillor Polly Andrews proposed and councillor Richard Thomas seconded a motion that the application be deferred, to allow for changes to the application which take account of the following issues identified by the committee:

- The scale of the houses was excessive and would cause overlooking of the historic barns resulting in an unacceptable impact on residential amenity;
- The layout of the site was excessively restricted and cramped. The new houses would be located too close to those won on appeal which would be overbearing and cause overlooking resulting in an unacceptable impact on residential amenity;
- The design of the houses was out of keeping with the local vernacular and resulted in an unacceptable impact on the landscape. A better use of materials and improved design was required to mitigate the impact of the Development on the landscape and to ensure that it was in-keeping with the local area.

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

**RESOLVED:**

**That the application is deferred, to allow for changes to the application which take account of the following issues identified by the committee:**

- The scale of the houses was excessive and would cause overlooking of the historic barns resulting in an unacceptable impact on residential amenity;
- The layout of the site was excessively restricted and cramped. The new houses would be located too close to those won on appeal which would be overbearing and cause overlooking resulting in an unacceptable impact on residential amenity;
- The design of the houses was out of keeping with the local vernacular and resulted in an unacceptable impact on the landscape. A better use of materials and improved design was required to mitigate the impact of the Development on the landscape and to ensure that it was in-keeping with the local area.

*There was an adjournment at 10:49 a.m.; The meeting reconvened at 10:59 a.m.*

**36. 242922 - LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH**

The senior planning officer provided a presentation on the application.

In accordance with the criteria for public speaking, Mr Lowder, local resident, spoke in objection to the application Mr Pratley, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the engagement between the applicant and local residents had not been sufficient and therefore a number of local objections remained to the proposal. It was understood that the proposed site would result in the loss of the allotments which may not be a material consideration but would pose an adverse impact on the local community. The planning history associated with the site was a material consideration and it was noted that previous applications had been refused. Highway safety concerns regarding the application also persisted. Clarity was required as it was not felt that the neighbourhood development plan had been adhered to given the excessive size of the houses. The results of the ecological report were questioned given that they appeared to be at odds with the experience of the local community; it was queried how the outcomes of the report could be challenged or questioned. The size of the proposed dwellings was not required within the local area; housing was required for first time buyers and elderly residents.

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

- The size and scale of the houses were in-keeping with other properties in the area and the design of the buildings and the materials used would be sympathetic to the local area;
- A query was raised regarding which trees would be retained on site;
- The definition of the development as self build was queried; and
- It was noted that the local parish council objected to the application.

The development manager provided the following clarification:

- Condition 5, proposed in the report, provided for an arboricultural impact assessment to be undertaken prior to the commencement of the development;
- The applicant would have an input into the design of the houses which would comply with the definition of self build or custom build development.

The local ward member was given the opportunity to close the debate. In summary, she explained that concerns regarding traffic and access to the site persisted. It was not felt that the proposed development served the needs of the people of Cradley and it was queried whether the proposed houses were in an appropriate location.

Councillor Dave Davies proposed and Councillor Peter Hamblin seconded a motion that the application be approved in accordance with the case officer's recommendation.

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 and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C01 – Time Limit for Commencement**

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

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

**2. C06 – Development in accordance with approved plans**

**The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:**

- |   |                 |
|---|-----------------|
| - | Location Plan   |
| - | AL.P.001 rev. B |
| - | AL.P.010 rev. B |
| - | AL.P.110 rev. D |
| - | AL.P.111 rev. D |
| - | AL.P.113 rev. A |
| - | AL.P.112 rev. D |

**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, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.**

**3. CBK – Restriction on working hours during construction**

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, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **Pre-Commencement Conditions**

4. 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.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

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

5. Prior to the commencement of the development, the submitted Arboricultural Impact Assessment Method Statement and Tree Protection Plan (JJH Arboriculture\_JJH\_AIA\_MS\_TPP\_V1\_27.05.25) shall be updated to explore the part retention of tree group G4 and pruning required to T1. This will then be re-submitted and approved by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

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

#### **Relevant Commencement Conditions**

6. C13 – Samples of External Materials

With the exception of any site clearance and groundwork, no further development shall take place until samples of materials to be used externally on walls and roofs of the approved dwelling and garage 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, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

7.

#### CA1- Landscape Scheme

With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

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

**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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

#### Pre-Occupancy Conditions

8.

#### Driveway gradient

Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

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

9.

#### Parking – single/shared private

drives

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

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

**10. CB2 – Implementation of secure cycle storage**

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

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

**11. CE6 – Efficient Use of Water**

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

**Reason:** To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan –Core Strategy, Policies SS2 and SS4 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

**12. CNS – Non-standard condition**

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types and TWO bat roost features, 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.

**Post-Occupancy/on-going compliance conditions**

**13. Landscape Implementation**

All planting, seeding or turf laying in the approved landscaping scheme (Condition 7) 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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.**

**14. CNS – Non-standard condition**

**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**

**15. C58 – Domestic use only of garage**

**The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse 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 Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.**

**16. Removal of Permitted Development rights**

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

**Reason: In order to protect the character and amenity of the locality, enable re-assessment of impacts upon landscape character, visual amenity and heritage assets, to maintain the amenities of adjoining property and to comply with Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Cradley Neighbourhood Development Plan and the National Planning Policy Framework.**

**17. Self-build**

The dwellinghouses hereby permitted shall be constructed as self-build within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The first occupation of each dwellinghouse hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation.

The dwellinghouses shall be occupied in accordance with the approved details.

Reason: The approved development is granted on the basis that it complies with the Self Build and Custom Housebuilding Act 2015 and is consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at [www.digdat.co.uk](http://www.digdat.co.uk)

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as 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 is advised that advice from a local professional ecology consultant is obtained.

4. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
5. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

6. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

*There was an adjournment at 11:38 a.m.; the meeting reconvened at 11:47 a.m.*

**37. 243176 - LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE  
(PAGES 17 - 20)**

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking, a statement was read on behalf of Mr Gibbs, local resident, in objection to the application and Mrs Boaz, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application had received objections from local residents and the parish council. A number of objections had concerned flooding and drainage and a lot of work had been undertaken to address these concerns. The positioning of the application site in relation to Saint Peter's holy well had been raised as an issue but this concern had been addressed with clarification as to where the barn would be positioned on the site. The location of the barn on the site would be below and positioned away from St Peter's holy well and so would not have an impact on this water supply. The positioning of the barn would have no additional impact on surface water flooding from the application site.

The committee debated the application. It was noted that the application was for an agricultural building on agricultural land. The barn would not be positioned close to Saint Peter's holy well and would be set at a level below this water source. Concerns raised regarding manure were not felt to be compelling given the agricultural nature of the site. It was noted that local residential properties were set at 400 metres from the site.

Councillor Peter Hamblin proposed and councillor Richard Thomas seconded a motion that the application be approved 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 further conditions considered necessary by officers named in the Scheme of Delegation to Officers:**

**1. Time limit for commencement**

**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**

**The development shall be carried out strictly in accordance with the approved plans (drawing no. 8396/1 and document entitled "Planning Statement"), except where otherwise stipulated by conditions attached to this permission.**

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

### **3. Vehicular Access Construction**

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.

### **4. Access Construction**

The first 10m of the access off the highway should have a bound surface such as tarmac, gravel is not acceptable for the first 10m.

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

### **5. Protected Species and Dark Skies (external illumination)**

Unless otherwise agreed in writing by the planning authority, no external or internal lighting associated with the permitted development shall be permanently illuminated between dusk and dawn except in an emergency.

**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.

### **6. Surface Water Drainage Strategy**

The development shall be carried out in accordance with the approved details (Surface Water Drainage Strategy received by email 14th August 2025) for the duration of the development.

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **INFORMATIVES:**

### **1. Application Approved Following Revisions**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **2. 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 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. Biodiversity Net Gain Informative**

*Councillor Matthew Engel left the meeting at 12:08.*

### **38. 251363 - THE COTE, LOWER CROSSWAYS FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT**

The senior planning officer provided a presentation on the application.

In accordance with the criteria for public speaking Mr Phillips spoke on behalf of Dorstone parish council and Mr Goodwin the applicant spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that a large number of representations had been received in support of the application. The proposal was for a modest building which had a minimal impact on the landscape. The development met the requirements of core strategy policy SS1 and there should be a presumption in favour of sustainable development.

The committee debated the application. The following principal points were raised;

- There was no impact from the development on the local landscape and the work undertaken restored an historic agricultural building in accordance with core strategy policies LD1 and LD4;
- The application supported sustainable agricultural communities in accordance with core strategy policies RA2, RA3 and RA4;
- It was considered that the proposal complied with the requirements of core strategy policy RA5 (5) and in the view of the committee the existing building was not subject to substantial alteration and extension and the proposal would not adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

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

Councillor Richard Thomas proposed and councillor Polly Andrews seconded a motion that the application be approved for the following reasons and authority be delegated to officers to draft appropriate conditions to the permission:

- There was no impact from the development on the local landscape and the work undertaken restored an historic agricultural building in accordance with core strategy policies LD1 and LD4;

- The application supported sustainable agricultural communities in accordance with core strategy policies RA2, RA3 and RA4;
- It was considered that the proposal complied with the requirements of core strategy policy RA5 (5) and in the view of the committee the existing building was not subject to substantial alteration and extension and the proposal would not adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

The motion was put to the vote and was carried unanimously.

**RESOLVED:**

**That the application is approved for the following reasons and authority be delegated to officers to draft appropriate conditions to the permission:**

- **There is no adverse impact from the development on the local landscape and the work undertaken restored an historic agricultural building in accordance with core strategy policies LD1 and LD4;**
- **The application supports sustainable agricultural communities in accordance with core strategy policies RA2, RA3 and RA4;**
- **the proposal complies with the requirements of core strategy policy RA5 (5) and in the view of the committee the existing building is not subject to substantial alteration and extension and the proposal will not adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.**

The meeting ended at 12.41 pm

**Chairperson**





## **PLANNING COMMITTEE**

**Date: 15 October 2025**

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

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

## SCHEDULE OF COMMITTEE UPDATES

**243176 - ERECTION OF AN AGRICULTURAL BUILDING ON AGRICULTURAL LAND AT LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE**

**For: Mr & Mrs Boaz per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG**

### ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report, an email was sent to all members of the committee on 13 October 2025 on behalf of the applicant. This is repeated verbatim below:

*“Dear Chairman, Vice-chair & Members of the Planning & Regulatory Committee,*

***RE: Agenda Item No.8 - 243176 - Land off Wellbrook Road, Peterchurch, Herefordshire***

*We write as applicants for agenda item. Our proposal is the erection of an agricultural building on our permanent pasture at Peterchurch.*

*We run a farming business which for the past 10 years has focussed on the establishment of a high health pedigree herd of Hereford cattle.*

*Unfortunately, our Landlords at Turnastone Court have decided to end our tenancy, where we have rented land and buildings since 2013, meaning we are in desperate need of an agricultural building. Without a building the business is not sustainable, and we would most likely have to sell the herd, which we have worked for ten years to develop.*

*The application has benefitted from and followed pre-application advice. We have therefore been surprised and disappointed at the position taken by the Parish Council and the hostility expressed by one or two members of the local community, who have undertaken leaflet drops with the express intent of generating sufficient opposition to render it necessary to bring the application to Committee.*

*We can assure Members that we are very proud of our business and the community within which we work and would never undertake a proposal if we felt it significantly detrimental to the environment or third parties.*

*We sincerely hope that Members will accept the officer recommendation and grant planning permission for a building that is essential to the continuation of a small-scale, traditional, family-run farming business.*

*Yours sincerely,*

*Gareth and Madeleine Boaz”*

## **OFFICER COMMENTS**

The representation raises no new material planning considerations which are discussed within the officer's report.

In response to a matter raised by the Ward Councillor in respect of the risk of potential impacts upon the private water supply for parts of Peterchurch, it is advised that there is no inherent risk associated with the construction of the building and the lawful use of the land for grazing livestock.

Nevertheless, in the event of unforeseen matters arising, it should be noted that there is separate legislation in the form of the Private Water Supplies (England) Regulations 2016 (as amended) that would regulate such matters. This would be a matter that colleagues in the Regulation and Technical Services team to investigate and enforce as required.

Further to the queries raised on site regarding surface water drainage, I draw your attention to no objections raised by the LPA's Land Drainage Consultant.

## **NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>19 NOVEMBER 2025</b>
<b>TITLE OF REPORT:</b>	<p><b>222138 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR THE FIRST PHASE OF AN URBAN EXTENSION COMPRISING UP TO 350 HOMES (USE CLASS C3); AND A CARE HOME (USE CLASS C2), PARK &amp; CHOOSE INTERCHANGE; TOGETHER WITH OPEN AND PLAY SPACE, LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS. AT LAND AT THREE ELMS, NORTH EAST QUARTER, TO THE NORTH EAST OF HUNTINGTON AND BOUNDED, BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HR4 7RA</b></p> <p><b>For: The Church Commissioners for England per Miss Tara Johnston, The Minster Building, 21 Mincing Lane, London, EC3R 7AG</b></p>
<b>WEBSITE LINK:</b>	<a href="#"><u>Planning Application Details - Herefordshire Council</u></a>
<b>Reason Application submitted to Committee -</b> Redirection and need for strategic overview.	

**Date Received: 29 June 2022**  
**Expiry Date: 30 November 2025**

**Ward: Kings Acre**

**Grid Ref: 348711,241899**

Local Member: Councillor Rob Williams (Kings Acre)

Adjoining Local Members: Cllr Pauline Crockett (Queenswood) Councillor Rob Owens (Bobblesstock)

## **1. Introduction/Background**

- 1.1 This application seeks Outline Planning Permission for up to 350 dwellings (use class c3); and a care home (use class c2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works. This is presented as the southern phase of an identified housing site identified and is proposed as the first phase of development.
- 1.2 In accordance with Herefordshire Council Local Plan Core Strategy (2011-2031) 'Policy HD5 Western Urban Expansion (Three Elms)', an outline planning application was submitted in September 2016 for an application comprising of up to 1,000 residential dwellings (C3 Use Class); an employment development comprising up to 10 ha (B1/B2/B8 Use Classes); a new neighbourhood centre comprising a mix of retail (A1/A2/A3/A5 Use Classes), healthcare provision (including a relocated GP surgery) (D1 Use Class) and leisure uses (D2 Use Classes); a new one-form entry (1FE) primary school; two 'park and choose' car parking facilities; and open play space, landscaping, highways infrastructure and associated works. This Outline application

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

reference 162920 remains live, pending determination. This application was paused following the cancellation of the Hereford Western Bypass.

1.3 It is noted that the application that is subject of this application has been ‘designed’ as to be capable of delivery of a standalone scheme, whilst still ensuring that its approval would not preclude the future determination and implementation of a larger Three Elms scheme.

1.4 This application was first submitted in June 2002, and the application has undergone 5 revisions and consultation:

- **Original Submitted July 2002:**
- **January 2023:** Increase in site location. This involved an extension to the red line to the northern boundary of the site.
- **September 2023:** Include the insertion of a care home use (C2) on a 1.6 acre site in the description and was as options for its location (this is discussed further on the report). Also, an updated and revised Drainage Strategy, changes the footpath and cyclepath along Three Elms Road.
- **September 2023:** A second ES further information report was submitted to address further consultation comments and scheme changes
- **June 2024:** Additional information include:
  - Updated Parameter Plans
  - ES Technical note and appendices
    - Transport Technical Note 4
    - Transport Technical Note 5
    - Transport Technical Note 6
    - Air Quality Screening Assessment of Log Biomass
    - Updated Flood Risk Assessment and Drainage Strategy
    - Outline Protected Species Mitigation Strategy
- **December 2024:** Information included additional information that was submitted previously
  - Updated highways drawings, including revisions to the off-site highways indicative mitigation measures following further dialogue and a joint site visit on 13th November 2024 with HC / WSP (November 2024).
  - Response to HC’s / WSP’s further technical queries in the form of Transport Technical Notes.
- **August 2025:** Additional information
  - EIA Statement of Conformity including a Surface Water Drainage Technical Note

## 2 **Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)**

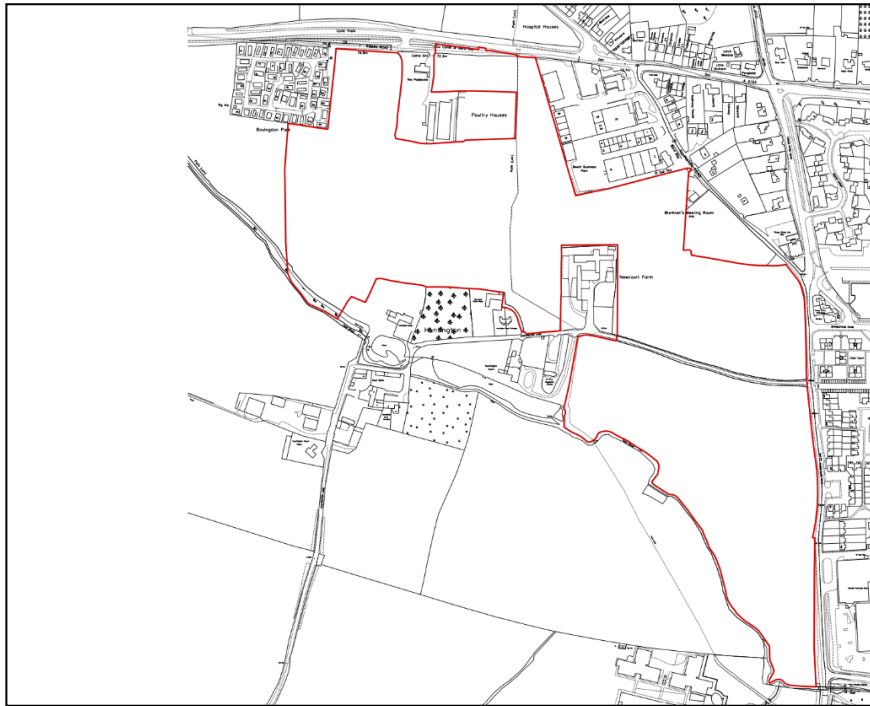
2.1 The National Planning Practice Guidance advises that *The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.*

*Environmental Impact Assessment should not be a barrier to growth and will only apply to a small proportion of projects considered within the town and country planning regime. Local planning authorities have a well established general responsibility to consider the environmental implications of developments which are subject to planning control. The 2017 Regulations integrate Environmental Impact Assessment procedures into this framework and should only apply to those projects which are likely to have significant effects on the environment. Local planning authorities and developers should carefully consider if a project should be subject to an Environmental Impact Assessment. If required, they should limit the scope of assessment to those aspects of the environment that are likely to be significantly affected.*

- 2.2 Under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017), a scoping opinion request was submitted to the Local Planning Authority under P214086/EIB and the LPA's scoping opinion was issued on the 17<sup>th</sup> December 2021.. The application and decision can be seen here: [Planning Application Details - Herefordshire Council](#)
- 2.3 This Outline application is accompanied by an Environmental Statement (ES) and this details the environmental effects of the proposal and suggested mitigation where required. The Environmental Statement was submitted on a voluntary basis by the applicant as a formal screening was not sought from the Local Planning Authority.
- 2.4 During the course of the application various EIA (ES) addendums have been appended to the original EIA. At the type of writing, it is considered that the conclusions of the Environmental Statement ES (as amended and updated) remain valid in all respects.

### **3 Site Description and Proposal**

- 3.1 The site forms part of expansion area identified within the Herefordshire Local Plan Core Strategy known as the Western Urban Expansion Area (Three Elms) (Policy HD5) and comprises of an area of land of approximately 24.8 hectares currently in agriculture (arable) use. It is located on the north-western edge of Hereford, and the land extends to Roman Road to the north, Three Elms Road to the east and Yazor Brook to the south. The site also abuts and partially encircles the north and eastern extents of the hamlet of Huntington. This application site boundary takes up about 25% of the larger Three Elms application site which remains undetermined as detailed in para 1.3.
- 3.2 Huntington comprises of a small number of dwellings, a church and agricultural buildings. The Yazor Brook runs along the majority of the Southern eastern corner of the site (this watercourse continues towards Hereford). The site also contains three public footpaths which connect Huntington with Roman Road.
- 3.3 The site also falls within Flood Risk Zone 1, although part of the site where the Yazor Brook bounds the south of the site immediately to the brook are located in Flood Risk zones 2 and 3. The site also has large part which is designated as a groundwater Source Protection Zone (SPZ) 2 and 3 and is also a Nitrate Vulnerable Zone (NVZ). The central and southern parts of the site are in SPZ 2 and the land further to the west and north (not northeast) is in SPZ3. These can be located via <https://magic.defra.gov.uk/home.htm>:



**Figure 1: Site Location Plan**

- 3.4 Part of the site is also located within the Huntington Conservation Area, the part of the site adjacent to Huntington. There are no listed buildings within the site but there are four listed buildings within Huntingdon Village.

They are:

- Huntington House (Grade II)
- Huntington Court (Grade II)
- Church of St Mary Magdalene (Grade II)
- Huntington Court Farm and attached Granary (Grade II)

- 3.5 As referenced above the site forms part of the 'Western Urban Expansion Area' part of the site which is identified for up to 1,000 homes. The current application site is known as Three Elms, Northeast quarter. When looking at the site in its wider context it is about 2.5km from Hereford City, Whitecross Hereford High School lies to the southeast, to the northeast is Beech Business Park, to the north and south beyond the road is agricultural land, beyond this to the west is Wyevale Nurseries. Further to the northwest is Bovingdon Park with its residential mobile homes and to the northeast is a recently completed residential development consisting of 42 properties off Fytche Way which fronts onto Roman Road.

- 3.6 The site has good connectivity to the nearby strategic road network with the A438 to the south, the A4110 to the west, the A4103 to the north. The site is also in close proximity to existing bus routes around the edge of the site.

## **4 Proposal**

- 4.1 Full application details are available <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=222138&search=> This application is made in outline, with all matters reserved for future consideration apart from access, and seeks planning permission for the first phase of an urban extension comprising up to 350 homes (use class c3); and a care home (use class c2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works.

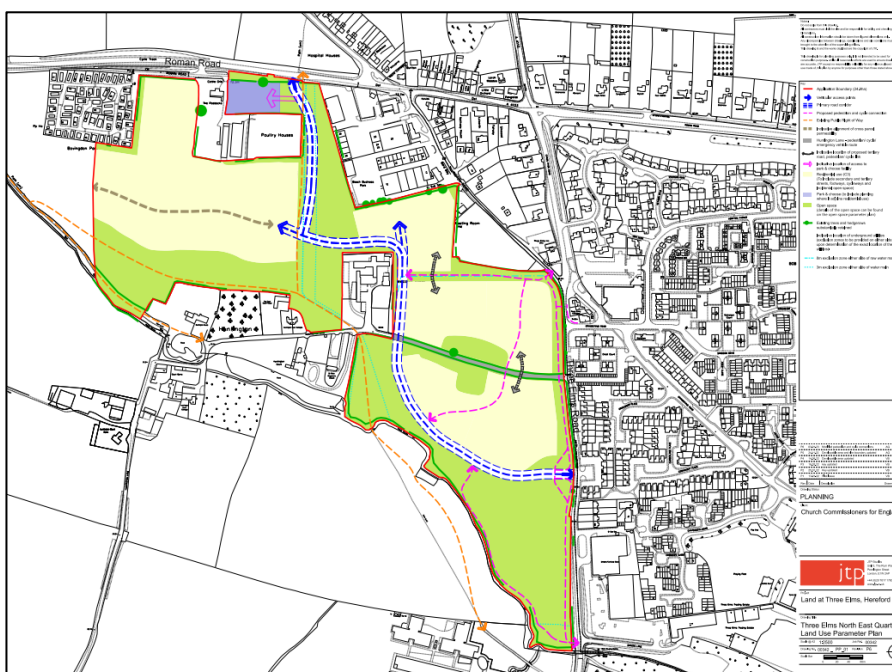


- 4.2 The submission sets out that a range of densities and house types would be provided, along with affordable housing. The application has been supported by a green illustrative parameter plan which sets out indicatively how the site could accommodate the quantum of residential development, together with public open space (including children's play), green infrastructure and SuDS.
- 4.3 An illustrative masterplan accompanies the application, and this concludes that the following can be accommodated on the site if a RM application comes forward.

As detailed within the submission the proposals include:

- Up to 350 dwellings
  - Affordable housing
  - Linear Park along Yazor Brook connecting Yazor Brook Park to the east of the site and PROW network
  - New vehicular connections to Three Elms Road and Roman Road
  - A park and choose/transport interchange adjacent to Roman Road to the north of the site
  - Play facilities and informed open space
  - Land for a C2 Care home
- 4.4 The proposed development will be accessed via two main junctions for which detailed approval is being sought.
1. Roman Road; and
  2. Three Elms Road
- 4.5 As part of the submission a parameter plans have been submitted and include:
- Land use
  - Building heights
  - Access
  - Green Infrastructure

The land use parameter plan is inserted below for ease:



**Figure 2 – Land use parameter plan**

- 4.6 **Land Uses:** The proposed siting and maximum footprint of the development is shown on the Parameter Plan.

**Park and Choose:** As illustrated with the masterplan the park and choose to be located northern part of the site. Purpose is to offer commuters, local residents and visitors to Hereford city the option to park outside the city and take an alternative sustainable route into the city centre. It is proposed to have 75 parking spaces and will be accessed from Roman Road. (Details would come forward at Reserved Matters stage).

**Residential Use:** Residential dwellings to be located within 4 main parcels of land and housing to be set back from the Beech Business Park. Further details on housing mix would come forward at Reserved matters stage and affordable housing will be secured via a S106 legal agreement.

**Other land use:** This includes use of land for open space and internal road networks and cycle and pedestrian routes/linkages (Details would come forward at Reserved Matters stage).

**Green Infrastructure:**

As part of the submission a green infrastructure parameter plan has been submitted. This details open space provision. This parameters plan categorises the outdoor space across the proposal and includes existing trees and hedges, an area of informal sports, buffer planting and public open space. Also include indicative sites for play areas.

**Access and circulation:** The main vehicular access points into the site and in particular the residential areas will be from Three Elms Road to the east and to the north via Roman Road. Residential parcels within the site will be interconnected by secondary and tertiary road. It is also proposed that a primary road will be provided through the site which will connect the north to the east and bisecting the site. Further details on the secondary and tertiary road to the residential plots will come forward at Reserved matters stage.

**Building heights:** A building heights parameter plan has been submitted to accompany the application and details where 3 storey properties could be located on the site taking into account the site's topography and existing uses. Details would come forward at Reserved matters stage).

- 4.7 **Core Strategy wording: Herefordshire Core Strategy Policy HD5 – Western Urban Expansion (Three Elms)**

*Land at Three Elms will deliver a comprehensively planned sustainable urban expansion.*

*The new development will be sensitively integrated into both the existing urban fabric of Hereford, and the wider landscape, through high design and sustainability standards. The development will be expected to provide:*

- *a minimum of 1,000 homes, at an average density of up to 35 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;*
- *a target of 35% of the total number of dwellings shall be affordable housing;*
- *delivery of land and infrastructure to facilitate the construction of the adjoining phase of the Hereford Relief Road;*
- *a minimum of 10 hectares of employment land, comprising predominantly of a mixture of use class B1, B2 and B8 located near to the new livestock market with access to the Hereford Relief Road and Roman Road;*
- *land and infrastructure for Park & Choose facilities;*

- *a new linear park along the Yazor Brook corridor connecting with the existing green infrastructure links east of the expansion area, the public rights of way network within and adjoining the expansion area and informal recreation space;*
- *a series of new green infrastructure connections which enhance the biodiversity value of the area and also serve as pedestrian cycle links through the development, including optimising the use of the disused railway line to connect with the transport interchange, schools, community facilities, employment land and the remainder of the city;*
- *provision for new bus links through the expansion area;*
- *development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and contributes to the distinctiveness of the site and surrounding environment;*
- *the provision on site of appropriate sports and play facilities, formal and informal open space, community orchards, woodland planting and allotments;*
- *integration of Huntington village into the development area in a way which respects, protects, conserves and, where possible, enhances the setting of the Conservation Area and heritage assets;*
- *210 primary school places and where appropriate contributions towards new pre-school facilities;*
- *an extension of Whitecross High School to increase capacity from a 6 form entry to 7 form entry school, with commensurate school playing field provision;*
- *a neighbourhood community hub to meet any identified need for small scale convenience retail, community meeting space, health provision, indoor sports and other community infrastructure/facilities where appropriate;*
- *sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network;*
- *opportunities to mitigate flood risk arising from Yazor Brook for existing residents and businesses within the city; and*
- *sustainable standards of design and construction.*

4.8 The application is supported by an illustrative masterplan (see figure 2 below) and approval for this is not being sought. The illustrative masterplan for the site, solely, shows one form in which development could take place, within the framework set by the parameter plans as submitted for approval.





**Figure 3: Illustrative masterplan**

- 4.9 It can be seen from the plan that the parcels of development can be delivered amongst existing key site features, establishing a network of green corridors and spaces across the site that offer a variety of recreation and leisure opportunities for existing and future residents. Proposed housing parcels can be set back where possible from the identified Noise Mitigation Zone, in line with the approved Paddocks development frontage. The masterplan shows where parcels of development can be provided on site as being further interconnected by secondary and tertiary roads. Existing PRoWs have been retained on-site and the Huntington Lane within the site boundary will be retained for pedestrian and cycle only use. The illustrative masterplan establishes a pedestrian-friendly, permeable layout that could encourage walking, cycling and use of public transport supported by the provision of a Park & Choose facility.
- 4.10 Future reserved matters application would secure the exact location of dwellings and whether further mitigation measures are required.
- 4.11 The application is supported by the following documents:
- Environmental Statement and Addendums
  - Development Framework Plan
  - Planning Statement
  - Travel Plan
  - Transport Assessment
  - Noise and Vibration Impact Assessment
  - Landscape and Visual Impact Assessment
  - Historic Environment Desk Based Assessment
  - Ecological Appraisal

- Design and Access Statement and Addendum
- Arboricultural Impact Assessment
- Minerals Resource Assessment
- Statement of Community Consultation
- Walking, Cycling and Horse Riding Assessment
- Flood Risk Assessment
- Flood Risk Assessment Addendum
- Document to inform HRA Assessment
- Climate change checklist energy statement
- Entrance feasibility report
- Shadow Habitat Regulation Assessment

- 4.12 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application. For this application ‘Access’ is being considered and all other matters are reserved.

**Access:** *In relation to reserved matters, 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; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

*The following matters are reserved for future consideration:*

**Appearance:** *Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;*

**Landscaping:** *In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features;*

**Layout:** *Means 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;*

**Scale:** *Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;*

## 5. Policies

- 5.1 The Development Plan comprises the Herefordshire Local Plan – Core Strategy and Minerals and Waste Local Plan.

## Herefordshire Local Plan Core Strategy 2011-2031

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/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

- 5.2 The following policies are considered relevant to the application proposal

### Herefordshire Local Plan – Core Strategy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
SS7	Addressing Climate change
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
SC1	Social and community facilities
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Water treatment and river water quality
ID1	Infrastructure delivery
HD5	Three Elms Western Urban Expansion

### Minerals and Waste Local Plan

- 5.3 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:-

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan/5>

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

SP1 - Resource Management  
M1 - Minerals Strategy

- 5.5. 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 - GOV.UK](https://www.gov.uk/government/publications/national-planning-policy-framework-2024)

### National Planning Policy Framework (2024)

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

<b>Chapter 2</b>	Achieving sustainable development
<b>Chapter 4</b>	Decision-making
<b>Chapter 5</b>	Delivering a sufficient supply of homes
<b>Chapter 6</b>	Building a strong, competitive economy
<b>Chapter 8</b>	Promoting healthy and safe communities
<b>Chapter 9</b>	Promoting sustainable transport
<b>Chapter 11</b>	Making effective use of land
<b>Chapter 12</b>	Achieving well-designed places
<b>Chapter 14</b>	Meeting the challenge of climate change, flooding and coastal change
<b>Chapter 15</b>	Conserving and enhancing the natural environment
<b>Chapter 16</b>	Conserving and enhancing the historic environment

- 5.6 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](https://www.gov.uk))
- 5.7 Paragraph 34 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Herefordshire council is currently in the process of reviewing its development plan however at this stage the emerging policies carry no weight in decision making. As of December 2024, the standard method has been significantly revised from what has been in place for the past few years. The revised overall housing target for Herefordshire has now increased significantly. Therefore, this has meant a revision to the Herefordshire 5 Year Housing Land Supply Position Statement released only in October 2024. As the overall target has increased, this has meant the current supply of housing in the county falls short of the new target. The revised housing target for the county now results in a 5 year Housing Land Supply figure of **3.11 years**. Therefore Paragraph 11(d) is applicable for decision making purposes with regard to all adopted and made Plans.
- 5.8 All other policies within the Core Strategy as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

## 6. Planning History

- 6.1 **162920/F:** Land at Three Elms - Outline Planning Application with all matters reserved, except access, for the demolition of existing agricultural buildings and an urban extension comprising up to 1,200 homes (Use Class C3); employment development (comprising Use Classes B1/B2/B8); a neighbourhood centre comprising a mix of retail (Use Classes A1/2/3/5), health provision (Use Class D1) and leisure uses (Use Class D2); a new one form entry primary school; park & choose interchanges; together with open and play space, landscaping, highways, infrastructure and associated works. This application is 'Pending under consideration'.

In August 2022 the applicant wrote to the Council and confirmed:

*This planning application remains in abeyance following the Councils cancellation of the Hereford Western Bypass and pending an alternative transport solution for the city.*

*The Church commissions remain committed to the delivery of the housing at Three Elms. In accordance with the Core Strategy Policy HD5, which permits the delivery of some homes ahead of the bypass, it has submitted a separate outline planning application for the first phases of the Western Urban Expansion Site Allocation. This application is to be considered on its own merits and capable of delivery as a standalone scheme.*



*Meanwhile, the church commissioner request that outline planning application ref: 162920 remains in abeyance until such time as the outline planning application for the first phases is approved or a transport solution for the city has been identified*

## 7. Consultation Summary

All consultation comments can be read in full online at [Planning Application Details - Herefordshire Council](#)

### Statutory Consultations

#### 7.1 Welsh Water: No further comments on amended proposal

#### 7.2 Welsh Water comments October 2025: No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Having reviewed the indicative surface water drainage drawing reference SK008 P09 it seems that the proposed swales and attenuation ponds have been amended to accommodate the public watermain crossing the site and therefore we remove our holding objection from this application and refer to our previous response reference PLA0080855 dated 10/07/2024.

Notwithstanding this it is also recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrcymru.com) to carry out a survey to verify the location of the assets to confirm their relationship to the proposed development. Our response is based on the information provided by your application.

Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Previous comments (including proposed conditions) can be found on line: <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=222138&search=>

#### 7.3 Natural England comments: November 2024: No objection

##### SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which River Wye Site of Special Scientific Interest has been notified.

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

- Mitigation as stated in the Appropriate Assessment

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



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.

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

### **Habitat Regulations Assessment – River Wye SAC**

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 permission given.

Further advice on mitigation

### **Foul Drainage**

The HRA states that the development will connect to Hereford Eign Waste Water Treatment Works, and that this has been confirmed by DCWW on 29 September 2023. It is noted that the HRA is relying on evidence from the HRA of the Core Strategy from 2014. The proposal is for 350 dwellings and is part of a larger phased development. It is therefore the responsibility of the Local Authority to be keeping an up-to-date record of housing numbers and ensure that there is sufficient headroom at the Eign Waste Water Treatment Works.

### **Surface Water Management**

It is noted the update Flood Risk Assessment submitted by Tetra Tech.

The HRA states - Based on the current proposal some of the attenuation features for this development site are within areas of being at risk of fluvial flooding, a detailed plan for the site will be provided at Reserved Matters Stage. This should be conditioned.

The swales/attenuation basins are set out as being sufficient to address pollution arising from suspended solids, metals and hydrocarbons but it is anticipated that a range of other measures will be included in the details at reserved matters which will further reduce potential pollution bringing the quality of water discharged from the site to above adequate. This should also be conditioned.

It is noted the Surface Water Management condition in the HRA. This is agreed with and should form part of any planning permission granted.

### **Construction Environmental Management Plan (CEMP)**

The Construction Management Plan should detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to the Yazor Brook. This should be conditioned as part of any planning permission granted.

### **Recreational/Species Impact**

**Otters –**

This has been conditioned as part of wider ecology conditions and we have requested a site wide combined Ecological Mitigation Strategy, which addresses ecological protection, mitigation, compensation, enhancement, and management to be submitted at Reserved Matters. This is welcomed.

**Yazor Brook -**

The EDP updated sHRA screens out recreational impacts based on the inclusion of 11.59 ha of open green space for residents. We have also included a condition to manage and control recreational use of footpaths and open space to ensure no disturbance effects on the core linear wildlife feature (Yazor Brook wildlife corridor) are submitted for approval prior to any works commencing on site. This is welcomed.

**Protected Species Impact**

The Yazor Brook may be of importance for commuting of Crayfish species that are protected species and a feature of the SAC designation. It is noted that there will be an additional dedicated 'aquatic' CEMP element to cover work around the Yazor Brook. This should be conditioned to ensure that there are no adverse effects on the habitats or species associated with the SAC designation and to ensure that appropriate mitigation measures are enforced.

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.

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

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service

Previous comments can be viewed via the following link:

<https://myaccount.herefordshire.gov.uk/documents?id=ad082c78-74ea-11ef-9082-005056ab3a27>

- September 2024
- July 2024
- August 2022

**7.4 Environment Agency: June 2024: No objection subject to conditions**

Thank you for your re-consultation of the Three Elms planning application, we have no further comments at this time and note that the changes relate to some ongoing conversations that the agents have had with the LLFA. We would like to reiterate our previous comments and suggested conditions at this time.

For your information, there is no further update from our end on the SPZ modelling exercise which is still ongoing.

**7.5 Environment Agency: September 2023 - No objection subject to conditions**

<https://myaccount.herefordshire.gov.uk/documents?id=9d50e9a5-5d1a-11ee-9070-005056ab3a27>

- Thank you for your consultation of the amended Flood Risk Assessment and Drainage Strategy related to the above development at Three Elms. We have now had chance to review the relevant document submitted to support this planning re-consultation and would like to comment as follows from a protection of Controlled Waters perspective. Any matters relating to Human Health should be directed to the relevant department of the local council, with surface water drainage issues being addressed by the LLFA. We have reviewed the latest version 8 of TetraTech's Flood Risk Assessment & Drainage Strategy for this site dated 17 August 2023 and can confirm that the wording notably in Sections 2.5, 3.3, 4.5 and 4.11 is correct and the details referred to in Appendix E are still appropriate. As already communicated with the consultants, we are awaiting the updated SPZ modelling outcome to be available at some time this Autumn, but our general mitigation and excavation requirements for each zone have not changed and our previously provided advice (our ref: SV/2022/111395/03- L01) still holds.

**7.6 Environment Agency: February 2023 - No objection subject to conditions**  
<https://myaccount.herefordshire.gov.uk/documents?id=6dbd0439-c254-11ed-9066-005056ab3a27>

I refer to additional information received in support of the above application; submitted with a view to addressing the outstanding matters in relation to flood risk and controlled waters. This submission follows discussions between Tetra Tech and the Environment Agency and subsequent review of the updated FRA, (Tetra Tech Ref: 784-A072489-2 revision 6 dated 18 November 2022). Whilst we note that a further revision to the FRA has been undertaken in the formal submission (Revision 7), to reflect changes to the Masterplan, this does not impact upon the comments provided below.

Based upon the information submitted we are in a position to remove our objection to the Outline application and would offer the following comments for your consideration at this time.

**Flood Risk:** As stated in our response to the EIA Scoping for the North East Quarter, dated 26 November 2021, we had previously accepted the Flood Risk Assessment (FRA), produced by White Young Green (now Tetra Tech), for the wider Three Elms site which demonstrated that the proposed development would be safe over its lifetime, would not act to increase flood risk elsewhere and would offer flood risk betterment downstream by providing additional flood storage on site. Extensive discussions had previously taken place to ensure that the FRA was sound and robust.

The FRA subsequently submitted with the current Outline application was not considered sufficient and did not provide the level of detail previously offered. The updated document addresses the issues raised in our response of 2 September 2022 and we understand from Tetra Tech's correspondence dated 18 November 2022 also seeks to address concerns raised by the Lead Local Flood Authority (LLFA). A meeting was held on 18 October 2022 to discuss the FRA requirements (minutes of which are contained within Appendix G of the FRA). It is also noted that the comments of the Huntington Hamlet Association relating to drainage and run off have been considered within the latest submission.

Section 3.1.4 of the FRA confirms that the Yazor Brook model has now been run with the latest climate allowance of 37% (released in the Summer of 2021) which is the correct allowance for the Wye Management Catchment. This has been undertaken for both the defended (with the upstream Yazor Brook FAS at

Credenhill in place) and undefended scenarios with Flood Maps contained in Section 3.1 and Appendix F so the flood risk to the site is fully understood.

Whilst there are some sections of Flood Zones 2 and 3, the medium and high risk Zones respectively, in the south eastern section of the site (R04) these areas are proposed for green space and not residential units. Section 3.1.12 of the FRA confirms that proposed site layouts will be set at a suitable freeboard above the undefended scenarios which we support as they are precautionary and consider a failure of the upstream FAS. Therefore, it is clear that the vast majority of the site falls within Flood Zone 1 and is developable.

Whilst we acknowledge that there are constraints within the North East Quarter, which are discussed within the updated FRA, we would still expect provision of some of the previously agreed additional flood storage areas to assist in the reduction flood risk downstream. This is a requirement for the various parcels within the wider development and in line with the Adopted Core Strategy (Policy HD5 – Western Urban Expansion). The constraints within the North East Quarter may mean that greater flood betterment is provided as part of subsequent development of the wider site. However, the need for such betterment is acknowledged in the letter from Tetra Tech, dated 18 November 2022 and we note from the Indicative Site Plan (dated 02/02/23) the inclusion of additional flood storage areas. Although they must be aligned with the constraints detailed below in relation to the excavation strategy we would support, as part of any Reserved Matters application, further consideration in the layout of opportunities to achieve flood risk betterment downstream via such areas.

**Groundwater:** As detailed in our previous response we have been involved in detailed discussions around the wider redevelopment of the Three Elms site which is highly sensitive with regard to groundwater and surface water quality and resources. These issues also apply to the North East Quarter of the site with a portion of the site falling within, Source Protection Zones (SPZ) 2 and 3. It should also be noted that the site also lies within proximity to the current SPZ 1 and also adjacent to further on-site boreholes which are in the process of having SPZs applied to them too. Whilst this latter work has yet to be completed an approximate location has been considered which indicates Parcel R04 within SPZ 2 and 3 but also potentially adjacent to a future SPZ1. We would however acknowledge that the southern portion of the site boundary has been left undeveloped, as shown on the site location plan and indicative Masterplan.

Section 2.5.12 details the requirements previously agreed with regards development in, or in proximity to, the SPZ1. As detailed above this strategy may limit the opportunities for flood storage excavations on the site.

Based on the potential sensitivity of the site it essential that all appropriate measures are taken to ensure the underlying aquifers are protected from development. Any increased development has the potential to adversely impact upon groundwater quality due to the change in land use from agricultural greenfield to urban mixed use (e.g. disturbance during construction, sewer leaks or mis-connections, garden chemicals, highway runoff, leaks or spills of industrial chemicals/fuels/oils).

As stated in our previous response we recognised that this is an Outline planning application and that the current proposals, and associated plans, are indicative only and provided to demonstrate an acceptable approach and that the quantum of development proposed can be delivered within the site, taking account of the

agreed aquifer protection measures, existing site constraints and the proposed parameters plan and indicative lay-out.

Further site specific details and geophysical surveys are still due and we would expect further detail as part of any Reserved Matters application. The scope of this is detailed within the Mitigation Plan) submitted with this Outline application.

We would expect adherence to the comments and conditions provided within the Mitigation Plan (ref: B031140, dated June 2022) to ensure the issues raised with regards flood risk, surface and foul water, and the presence of SPZ's, are fully considered prior to any development. We are satisfied with the proposed conditions within the document and would defer to your Council as to how best secure these; either individually or under the umbrella of the Mitigation Plan. Not all those listed within the Plan will require further consultation with the Environment Agency as some will fall under the remit of your Council, your internal drainage team and/or the utility provider.

Also, it is important to ensure that detailed design of the development will need to be finalised based on the newly modelled (and any other remodelled) SPZs once produced. We would therefore reiterate comments previously offered for completeness:

We are pleased to see that detailed consideration has now been afforded to the previous concerns raised by local objectors (principally the two adjacent groundwater abstractors) and the earlier comments raised by ourselves as part of the previous application. Clearly, our main interest in terms of protection of Controlled Waters, involves the site's underlying Secondary A groundwater aquifer, the Sun Valley and Cider Mills SPZs encroaching onto the site and the Yazor Brook bordering the site to the south. Whereas the present SPZ 2 and 3 designations relate to off-site abstractions, further on-site boreholes are in the process of having SPZs applied to them too, which will mean parts of the site will then fall within the most vulnerable SPZ 1 category too.

We agree with the assessment that, whilst development will cause a reduction in recharge rates on site, this is expected to be very small (at some 1% only, relative to the recharge to the overall aquifer system and also due to the low permeability of the boulder clay Till shown present across the site). The flow to local abstraction wells is thus not expected to be impacted either. In terms of water quality though, whereas no significant ground contamination has been encountered so far, protection measures will need to be put in place during the construction phase (to be outlined in the CEMP) and following the completion of the development.

Any contamination associated with the previous use of the land if / when found will need to be risk assessed and most likely treated or removed off site where necessary. Also, a drainage strategy has now been developed which restricts (and partially treats) the discharge of all surface water via a system of lined attenuation pools, swales and below End 4 ground pipes to the Yazor brook only, as soakaway testing found very low infiltration rates within the Till layer.

As stated in our response to the previous application, given the dual problems in this catchment of low flows in the Yazor Brook and stressed groundwater resources in the aquifer, we would like to see some infiltration SuDS where possible, subject to the above constraints and suitable Till permeability. This may offer some balance between supporting aquifer recharge and flows in the brook. The intention should be to retain the natural drainage situation as far as possible where it is safe to do so. Features suggested to support low flows in the Yazor



Brook such as the 'shallow dish' areas in SuDS basins should be included where possible.

We also note the design will adhere to our agreed excavation requirements (i.e. all basins and swales within SPZ 1 and 2 will be provided with an impermeable liner to prevent infiltration into the aquifer, with the depth of features located in SPZ 2 restricted to maintain 1.5 m of Till cover) and that it will include oil separators and interceptors to protect the brook itself from any spillages or leaks.

**Foul Drainage:** The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company. Improvements to wastewater treatment works in Hereford may be required to accommodate the scale of development and discussions with Welsh Water should be progressed.

#### 7.7 **Environment Agency: September 2022: Objection**

<https://myaccount.herefordshire.gov.uk/documents?id=ef44c65a-2d20-11ed-905d-005056ab11cd>

#### 7.8 **Department for Levelling up, Housing and Communities**

I confirm that we have no comment to make on the environmental statement.

### **Internal Council Consultations**

#### 7.9 **Team Leader Area Engineer (Local Highway Authority) comments December 2024 Overview:**

The Local Highway Authority (LHA) / WSP no longer object to this outline planning application, subject to the S106 Agreement including necessary financial contributions to enable essential mitigation necessary for off-site Active Travel (AT) Improvements for the Grandstand Road Corridor and key connections to it so there are alternative and safe options for sustainable travel for future residents of the development site. In addition, subject to other planning conditions to appropriately secure delivery of the necessary transport improvements to support the proposed development. The following comments are therefore subject to the agreement of appropriate funds being available to the LHA, via a S106 Agreement financial contribution, for these off-site AT and speed reduction works to be undertaken by the LHA.

It is requested that, if the Local Planning Authority (LPA) is minded to grant outline planning permission, that this is subject to measures to make the development acceptable in transportation terms, in accordance with Policy MT1 of Herefordshire Local Plan Core Strategy 2011-2031.

In summary, these site-specific requirements include:

- Financial Contribution, secured via S106 Agreement, sufficient to enable development, detailed design, safety audits, refinement and delivery of the offsite AT and speed reduction scheme, agreed in principle for the Grandstand Road Corridor (and key connections to it).

This should be broadly in accordance with (or achieve the same objectives as) the offsite AT scheme shown in PF drawings: 105572 T-004 (Rev H), 105572 T-005 (Rev I), 105572 T-006 (Rev J), 105572 T-008 (Rev I), 105572 T-009 (Rev F), 105572 T-010 (Rev D), 105572 T-011 (Rev E), 105572 T-023 (Rev C), T-2000001 (Rev H), T-2000002 (Rev H), T-2000003 (Rev I) and T2000004 (Rev B).

The Grandstand Road Corridor AT and speed reduction scheme is essential to connect this site to key destinations and employment opportunities to provide the mitigation required.

- AT improvements in the vicinity of Whitecross Roundabout, broadly in accordance with the proposals shown on PF drawing 105572 T-007 (Rev G), with detailed design

appropriately secured by planning condition and subsequent delivery by the applicant via a S278 Agreement with HC.

- Accesses to the site in the locations shown on PF Drawing T-2000001 (Rev H), with detailed design appropriately secured by planning condition and delivery (alongside off-site AT and Highway improvements fronting the site) by the applicant via a S278 Agreement with HC.
- Notwithstanding the mini-roundabout eastern access shown on drawing 105572 T-006 (Rev J), it is requested that a condition is attached to any planning permission which secures the requirement for a signal-controlled access junction in compliance with LTN 1/20 and attractive to all users to be formed to the NEQ in this location, as part of the site's detailed design. This change to the required form of this proposed junction is necessary to respond to the agreement of a 'quiet route' connection to Grandstand Road, via Connaught Place, which will be signed and improvements made to accommodate a key AT movement desire line to and from the site, supporting safer and more convenient crossing of Three Elms Road to it.
- Delivery of the Full Residential Travel Plan (16 November 2023) and key requirements of it, secured by appropriate S106 agreement clauses and condition(s) as appropriate.
- Development, agreement and delivery of a Travel Plan for the staff, residents a visitors of the proposed care home (if this forms part of the approved development) secured by planning condition.
- Audit of and potential improvement to nearby bus stops, secured by S106 obligations.
- Non-motorised user connection through the NEQ, from the A4130 Roman Road to the A4110 Three Elms Road, connecting Roman Road to the (northern end of) the proposed 5m wide segregated pedestrian and cycle path west of Three Elms Road. The precise route to be agreed prior to or as part of the first reserved matters planning application and with its detailed design and delivery secured by planning condition.
- Non-motorised user infrastructure provided alongside the proposed NEQ spine road from the A4130 Roman Road to the A4110 Three Elms Road, connecting the northern and eastern vehicular accesses of the NEQ. The precise route to be agreed prior to or as part of the first reserved matters planning application and its detailed design and delivery secured by planning condition.

Further details are provided within the full comments.

As noted above, the applicant will be required to enter a S278 Agreement with HC to deliver the site accesses, along with all other works identified along the site frontages (along the A4110 Three Elms Road and the A4103 Roman Road, as well as at the A4110 Three Elms Road / Grandstand Road Junction) and in the vicinity of the Whitecross Roundabout. Unless otherwise agreed with HC, these works should generally be in accordance with the preliminary designs shown by PF drawings:

- 105572 T-002 (Rev F);
- 105572 T-004 (Rev H);
- 105572 T-006 (Rev J);
- 105572 T-007 (Rev G);
- 105572 T-010 (Rev D);
- 105572-T-2000001 (Rev H);
- 105572 T-2000002 (Rev H);
- 105572 T-2000003 (Rev I); and
- 105572 T-2000004 (Rev B).

PF Drawing 105572 T-001 (Rev I) illustrates the geographical area covered by these drawings.

These requirements are necessary to offer future occupiers of the site with safe and convenient routes, to promote walking and cycling to key destinations and connections to existing infrastructure, as a real choice rather than use of private motor vehicles. In addition, to support and encourage mode shift for some existing trips along the corridor, by simultaneously improving these opportunities for existing local residents, employees of businesses situated near the corridor and other travellers (or potential travellers) along the route. This is necessary to offset

the vehicle trips generated by the development, particularly in the absence of delivery of the Hereford Western Bypass and where existing physical constraints limit the potential for highway capacity improvements to Whitecross Roundabout.

It is noted that a revised preliminary package of off-site Active Travel (AT) measures for the Grandstand Road Corridor (and key connections to it) has been made possible as a result of HC agreeing, in principle, to secure the works through a S106 financial contribution and as the result of a joint site visit between the applicant, PF, HC and WSP on 13 November 2024. This enabled an amended package to be agreed in principle between the LHA / WSP and the applicant / PF. This is considered by the LHA / WSP as better able to avoid and mitigate conflicts between different users along the route and as better able to meet the needs of active travellers, within the context and constraints of the corridor, than the proposals put forward by PF in their seventh response to HC (dated 17 June 2024) and in their original eighth response to HC (dated 19 September 2024, with -appendices received in October 2024).

### **Full Comments:**

The Local Highway Authority (LHA) was first invited to comment on this planning application on 25 July 2022. Since then, there was an extensive period of review and discussion, over the two-year period that followed. During those discussions, the various key documentation was updated and revised by the applicant's transport consultant, including the Transport Assessment (with addendum and supporting notes), Residential Travel Plan, vehicular access drawings, other design drawings and off-site highway proposals.

For context, application 222138 is for land that forms part of the geographical area of Hereford that had been identified for the Western Urban Extension (Three Elms) of the Herefordshire Local Plan Core Strategy 2011-2031. A prior outline planning application for the Western Urban Extension in its entirety has previously been made (P162920/F). This was for a residential-led development of up to 1,200 homes, 10 hectares (ha) of employment land, a primary school, neighbourhood community hub, and associated open space. The current application is for land referred to as the Three Elms 'North Eastern Quarter' (NEQ), which forms part of that wider site.

The principle of and the need for access, AT and speed reduction measures associated with the Three Elms NEQ development has been long established between the LHA / WSP and applicant / PF, including, but not limited to:

1. A4103 Roman Road (west of Canon Pyon Road, in association with the proposed site access from the A4103 Roman Road);
2. A4110 Three Elms Road (broadly from Tillington Road to the Whitecross School / Yazor Brook Path), including but not limited to the eastern vehicular access and amendments to the Three Elms Road / Grandstand Road junction, along with AT provisions;
3. AT improvements in the vicinity of the Whitecross Roundabout; and, notably,
4. An AT improvement package for the 'Grandstand Road Corridor', comprising a continuous route south eastwards from the site towards numerous trip destinations east of the A49 Holmer Road / Newtown Road and at the City Centre (broadly from Three Elms Road to Priory Place).

A point had been reached where the LHA / WSP were generally content with the assessment contained within (or provided to subsequently supplement) the Transport Assessment, in terms of trip generation, trip distribution and traffic impact. Similarly, the Travel Plan had been improved over its numerous iterations, to the point where it was considered that sufficient information and broad commitment were provided within the 16 November 2023 version to support an outline application and importantly to inform appropriate conditions / S106 obligations to secure delivery.

During the latter stages of the application process, an 'up to 80-bed' care home was proposed as part of the site's development. As such, if it was approved in outline as part of this application, then it was agreed that a condition should also be attached requiring a Travel Plan for its staff, residents and visitors, to be prepared, agreed with HC and thereafter implemented for this land use. This principle was agreed with the applicant and PF.



In July 2024, the LHA / WSP confirmed that the main outstanding concern with this outline planning application, in transportation terms, was that it had not been possible to agree with the applicant and PF the aspects of, and preliminary layouts for, a deliverable package of off-site AT and speed reduction improvements for the 'Grandstand Road Corridor1'.

This package of improvements is necessary to provide future occupiers of the site with safe and convenient routes to promote walking and cycling to key destinations, and connections to existing infrastructure, as a real choice rather than use of private motor vehicles. This is necessary to offset the vehicle trips generated by the development, particularly in the absence of delivery of the Hereford Western Bypass. It is also necessary to accord to Policy MT1 of the Local Plan Core Strategy and because there are physical limitations to the potential for highway capacity improvements for Whitecross Roundabout.

The importance of securing a sustainable development, able to encourage and support active travel, to reduce the impact of vehicular trips generated and given a lack of opportunity for highway improvements at key points on the local highway network, has long been agreed between the applicant / PF and the LHA / WSP. This principle has not been disputed.

As a result, in July 2024 a pre-commencement condition was suggested to secure development and agreement of the off-site AT package, with a further condition suggested for securing delivery prior to a trigger point (occupation of the 25th dwelling). This was not the preferred approach of either HC / WSP or the applicant / PF.

Since July 2024, discussions about the necessary off-site AT and speed reduction package for the 'Grandstand Road Corridor' have continued between the applicant, PF, HC and WSP. HC now has the mechanisms to secure the development, detailed design and delivery of the off-site AT package through a S106 financial contribution, subject to a contribution being secured to deliver the essential works with no budget implications for Herefordshire Council as the works proposed are to mitigate the impacts of the development. Previously it was not possible for HC to deliver such works.

Through the further discussions that have occurred since July 2024, including during a joint site meeting (held on 13 November 2024) where the whole route was walked and reviewed, the package has been further amended informed by the findings of the joint site meeting by mutual agreement and is now acceptable in principle to the LHA / WSP. Further information is provided below.

An online meeting was held on 17 October 2024, during which HC Highway Officers / WSP and HC Planning Officers discussed the outstanding transportation matters raised in the July 2024 consultation response with the applicant and PF. During the meeting, the applicant and PF confirmed that they would not support the suggested pre-commencement or delivery condition related to the offsite AT scheme but acknowledged how it could work. The key issue for the applicant was the precommencement condition would not provide sufficient certainty over requirements for them.

This was principally due to both parties being unable to agree a suitable package of measures. It was mutually agreed that it would be preferable to conclude discussions on the required off-site AT package prior to determination of the outline planning application. In order to seek a mutually agreeable way forward, it was agreed that a joint site visit be held to resolve this critical matter.

At the site visit HC confirmed to the applicant that there would now be an option for HC to secure the off-site AT and speed reduction improvements required through a Section 106 financial contribution, as a means of enabling determination of the planning application in a way that is agreeable to both the applicant and the LHA. However, this would be subject to agreement of the principles of the package (preliminary package) and to a sufficient S106 financial contribution to

realistically enable further surveys, design development, safety audits (and responses) and all aspects of delivery of the scheme by HC. This approach will be important as the scheme which PF / the applicant had safety audited was not a scheme that at that time was agreed in principle with the LHA. This approach will also maximise the opportunities for integration with other current and future transportation projects and AT improvements locally which is particularly important given there is no certainty as to when the scheme will be built out.

The joint site visit was held on 13 November 2024, with the applicant, PF, HC and WSP representatives in attendance. This enabled discussion of a preferred approach for each part of the Grandstand Road Corridor (and key connections to it), within the context of this potential new mechanism for delivery (S106 financial contribution) now being open for consideration.

Based on the observations and discussions on-site on 13 November 2024, PF submitted revised drawings to HC on 18 November 2024. HC / WSP provided feedback on these (including mark-ups) on 27 November 2024. PF submitted a revised package of drawings on 29 November 2024, reflecting most of the comments raised on 27 November. Whilst there are still some details of the package yet to be defined and agreed, these are generally now recognised as options on the latest package of drawings and it is considered that they can be reasonably addressed as part of the detailed design process. It is therefore now considered that a preliminary package has been agreed in principle, to be appropriately refined and developed following planning determination, subject to the applicant entering into a suitable S106 Agreement with HC.

The preliminary off-site AT package for the 'Grandstand Road Corridor (incorporating key connections to it) agreed in principle between HC Highway Officers / WSP is now reflected on PF drawing numbers:

- 105572 T-004 (Rev H);
- 105572 T-005 (Rev I);
- 105572 T-006 (Rev J);
- 105572 T-008 (Rev I);
- 105572 T-009 (Rev F);
- 105572 T-010 (Rev D);
- 105572 T-011 (Rev E);
- 105572 T-023 (Rev C);
- T-2000001 (Rev H);
- T-2000002 (Rev H);
- T-2000003 (Rev I); and
- T-2000004 (Rev B).

For the avoidance of doubt, this AT and speed reduction scheme provides:

- A continuous scheme which includes the full length of Grandstand Road, from the proposed gateways north of the proposed A4110 Three Elms Road / Grandstand Road mini-roundabout, extending to a point approximately 65m east of the Grandstand Road / Chave Court priority junction.
- Reinforcement of the existing 20mph gateway south of Whitecross School and 20mph gateways to the scheme situated at Three Elms Road, Tillington Road, Priory Place, the northern end of Yazor Road and at the western end of Sandown Drive; and
- Key connections to Grandstand Road, via the following existing off-road routes, to facilitate their use by cyclists and pedestrians:
  - Between the A4110 Three Elms Road and Connaught Place; and
  - Between Hurdman Walk and Sidney Box Drive.

Notwithstanding the proposed four-arm mini-roundabout (eastern) access from Three Elms Road to the NEQ, the LHA requests that a condition is attached to any outline planning permission granted that requires a signal-controlled access junction that is LTN 1/20 compliant incorporating provision for pedestrian and cycle movements be provided for this access. This change to the

form of this proposed junction is necessary to respond to the agreement of a 'quiet route' connection to Grandstand Road, via Connaught Place, which will accommodate a key AT movement desire line from the site, supporting safer and more convenient crossing of Three Elms Road from the NEQ to it.

Without the change to this access, it is considered from the LHA perspective that the AT movements would be compromised. It would also assist existing residents egressing from the eastern arm of the access during peak periods.

Consequently, the LHA would no longer recommend refusal of the proposed development, subject to the applicant entering a S106 Agreement with HC that will, along with other requirements, provide sufficient funds for the LHA to develop, design, safety audit and deliver all aspects of the AT and speed reduction scheme for the 'Grandstand Road Corridor' (Including the key connections to it identified above).

Whilst HC Highway Officers may develop and refine the scheme, to reflect further internal consultation, survey findings or detailed design development and/or to complement other existing or emerging projects and proposals within Hereford, the starting point will be the now agreed preliminary AT scheme. The aim of any scheme delivered with the proposed S106 financial contribution would be to support Active Travel in north-west Hereford and to help mitigate the impact of trip generation of the proposed development. This will provide the greatest flexibility for the overall off-site AT package to complement other existing or emerging strategies for Hereford.

Conversely, the following improvements, which had already largely been agreed on a preliminary basis prior to July 2024, would also need to be subject to detailed design (secured appropriately by planning condition(s) attached to any outline planning approval) and to the applicant entering a S278 Agreement with HC for their delivery:

- All proposed (vehicular and non-vehicular) site accesses (including, for the avoidance of doubt, at all the locations shown on PF Drawing T-2000001 (Rev H), including site access point 8);
- All site accesses and proposed highway improvements fronting the site, along the A4110 Three Elms Road and the A4103 Roman Road, broadly in accordance with the proposals shown on PF drawings 105572 T-002 (Rev F), 105572 T-004 (Rev H), 105572 T-006 (Rev J),
- 105572 T-010 (Rev D), 105572-T-2000001 (Rev H), 105572 T-2000002 (Rev H), 105572 T2000003 (Rev I) and 105572 T-2000004 (Rev B).
- All crossings of the A4110 Three Elms Road, linking to the offsite AT package discussed above (broadly as shown on PF Drawings: 105572 T-004 (Rev H), 105572 T-006 (Rev J) and 105572 T-010 (Rev D)).
- Establishment of the proposed A4110 Three Elms Road / Grandstand Road mini-roundabout, the adjacent proposed Toucan Crossing of the A4110 Three Elms Road and the active travel connection (3m shared use path) into Grandstand Road east of the proposed Toucan Crossing (broadly as shown on PF Drawing 105572 T-004 (Rev H));
- The 5m segregated and 3m shared use paths proposed along the western side of A4110 Three Elms Road (variably alongside the carriageway or set back from the carriageway behind
- hedges) (as shown on PF drawings 105572 T-004 (Rev H), 105572 T-006 (Rev J) and 105572 T-010 (Rev D)); and
- The proposed AT improvements at (and in the vicinity of) the Whitecross Roundabout (broadly in accordance with the scheme shown in PF Drawing 105572 T-007 (Rev G)).

As identified above, unless otherwise agreed with HC, these latter improvements will be expected to be generally in accordance with the preliminary designs shown in the following PF drawings (excluding any connections eastward away from Three Elms Road, except where previously stated):

- 105572 T-002 (Rev F);
- 105572 T-004 (Rev H);
- 105572 T-006 (Rev J);
- 105572 T-007 (Rev G);
- 105572 T-010 (Rev D);
- 105572-T-2000001 (Rev H);
- 105572 T-2000002 (Rev H);
- 105572 T-2000003 (Rev I); and
- 105572 T-2000004 (Rev B).

If the LPA determines to approve the planning application, then there are a number of other access arrangements and requirements that have been agreed in principle with the applicant / PF previously that should also be secured in association with the development (e.g. Travel Plans; audit of and potential improvement to nearby bus stops/services; non-motorised user connection from the A4130 Roman Road to the A4110 Three Elms Road; and pedestrian / cycle provision alongside the planned spine road through the site, linking the proposed northern and eastern vehicular accesses to NEQ).

### **Summary and Recommendation:**

Should be the LPA be minded to approve the current outline planning application then it is recommended that this should be subject to the applicant entering into a S106 Agreement with HC securing a financial contribution that is sufficient to enable the delivery of the off-site AT package for the Grandstand Road Corridor (and key connections to it). It should also be subject to securing the necessary access and off-site highway works fronting the site, including crossings of the A4110 Three Elms Road and A4103 Roman Road and the proposed A4110 Three Elms Road / Grandstand Road mini roundabout, to be delivered by the applicant via a S278 Agreement with the LHA. A condition is recommended below, for requiring the eastern access to take the form of a signalised access junction to support Active Travel to/from the site via the proposed quiet street connection via Connaught Place to Grandstand Road. The agreed travel plans should be secured by a mixture of S106 planning obligations and conditions, with the agreed audit of (and potential improvements to) the existing closest bus stops/services to the site to also be secured.

These requirements are necessary to offer future occupiers with safe and convenient routes, to promote walking and cycling to key destinations and connections to existing infrastructure, as a real choice rather than use of private motor vehicles. In addition, to support and encourage mode shift for some existing trips along the corridor, by simultaneously improving these opportunities for existing local residents, employees of businesses situated near the corridor and other travellers (or potential travellers) along the route. This is necessary to offset the vehicle trips generated by the development, particularly in the absence of delivery of the Hereford Western Bypass and where physical constraints limit the potential for highway capacity improvements to Whitecross Roundabout. The suggested improvements should therefore be secured to make the development acceptable in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

### **Conditions:**

1) Notwithstanding the details submitted for the eastern access (mini roundabout) the development shall not commence until design details and the phasing of the delivery of a signalised access junction for the eastern access compliant with LTN 1/20 incorporating pedestrian and cycle movements has been submitted to and approved in writing by the local planning authority. The signalised junction will then be constructed in accordance with the approved phasing and design details.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of active travel movements including people with disabilities. To comply with Policy MT1 of Herefordshire Local Plan Core Strategy 2011-2031.

2) The construction of the northern 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

3) As part of the reserved matters application a continuous and direct 5m segregated footway/cycleway will provide a connection between the A41103 Roman Road and Three Elms Road through the site.

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

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

4) Development shall not begin in relation to any of the specified highways works to be undertaken as S278 work at the Whitecross Roundabout and Three Elms Road vicinity 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 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

5) Prior to commencement 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 development shall not commence until the Local Planning Authority has given such written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained.

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

6) Prior to commencement of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the care home shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained.



Reason: 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 confirm with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Informatives:**

I11, I06, I09, I45, I08, I07, I05, I43, I49, I36, I35

Previous comments can be viewed on line:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=222138&search-term=222138](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222138&search-term=222138)

- Team Leader Area Engineer comments: July 2024:
- Team Leader Area Engineer comments: October 2023:
- Team Leader Area Engineer comments: July 2023:

**7.10 Principal Natural Environment Officer (Landscape) comments: March 2023**

I have reviewed the updated documents and am pleased to see the improvements, particularly to increased buffer zones around Huntington Conservation Area and the clarity of the GI Parameters Plan. The GI Parameters Plan does not pick up the green spaces within the residential blocks (as shown on the Illustrative Masterplan), however we would expect these areas and links to be followed through into any following RM applications.

Three Elms Road – In landscape terms the proposed option to retain as much existing hedgerow as possible is welcome, with the new footpath and cyclepath on the site side of the hedgerow. However it is understood there may be a third possible solution - to narrow the existing carriageway width and introduce the foot/cycle path into the existing corridor. This has the benefit of retaining the hedgerow, while also keeping the transport infrastructure together in terms of lighting, movement and safety. It is hoped that these access details can continue to be developed to find a sustainable solution for all parties.

**7.11 Principal Natural Environment Officer (Landscape) comments: September 2022**

I have assessed the site and the proposed development previously as part of the larger Three Elms Site strategic allocation (planning ref 162920). There is no landscape objection to the principal of this development to be known as the North East Quarter. I do, however, offer the followings observations, which could be addressed as part of this application or be considered later at Reserved Matters:

**ENVIRONMENTAL STATEMENT**

The Landscape and Visual Impact Assessment (chapter 15) follows recommended guidance and includes all expected information, except at:

- Para 15.6 Core Strategy there is no reference to Policy LD1 on landscape and townscape character or LD3 on green infrastructure.

The baseline assessment is suitable and the definition of local landscape character types across the site and immediate setting is welcome to demonstrate clear understanding of the area. The sensitivities for the landscape character types and visual receptors are agreed. Given the considerable scale of the development, there are many adverse impacts associated with the change from open agricultural land to residential. These have all been summarised well in the chapter. There is one area, however, that I disagree with:

- The landscape character and visual impacts to Huntington Conservation Area and its residents. The chapter does identify that there will be permanent significant adverse effect on Huntington Village character and visual impact. However, the proposals fail to identify any mitigation options. I disagree that the likely significant effect is moderate, it would be major due to the substantial permanent loss of the open agricultural setting of Huntington with the introduction of urban development that is prominent and totally surrounds the village. Mitigation measures could be increased such as screen planting, buffer planting, hedgerows, woodland, build line set back at entrance points and reduced density of built form. Such mitigation may then reduce the likely residual effect to moderate on maturation of the vegetation.

### LANDSCAPE STRATEGY

The Landscape Strategy document is welcome and well presented. The concepts set out for the various landscape character areas are suitable. Inclusion of a tree planting strategy is helpful. The street furniture including a mix of wood and the colour palette is suitable, inclusion of natural stone would be welcome at key focal points. An interesting range of play features is proposed. The Huntington Village mitigation proposals should be incorporated into this document and the mitigation wording from the ES chapter should be reflected (particularly mentioning “*Containment of primary road corridors within well vegetated road boundaries*” as stated in para 15.93 and the final table 15.16).

### GI PARAMETERS PLAN

The key and reasoning behind this GI plan could be better explained, as it leaves a number of queries:

- Define what buffer zone planting is. Eg, min 10m wide, type of plants to include mixed native trees and shrubs? Maintained as ecological zone by mgmt. co?
- Why does the buffer zone planting along the business park boundary stop half way to Roman Road, rather than continuing all the way?
- Clarify the dark grey ‘10m wide buffer zone’ only applies adjacent to Bovingdon Park.
- The existing north – south public right of way corridor does not look good crossing the primary road corridor twice and being squeezed against the poultry houses. This is not best practice GI.
- What are the grey dashed arrows showing?
- Add further required GI mitigation around Huntington Conservation Area.

### PROPOSED ACCESS POINTS

The detailed proposals for the access points should reference any retained and protected trees and hedgerows or clarify which sections are removed for the construction work, with replacement hedgerow to be provided. This should include root protection zones. The arb report in the ES chapter does not show this level of detail.

### MASTERPLAN

I have not reviewed the detail of the illustrative masterplan as this level of detail will be considered later at RM application.

#### **7.12 Principal Natural Environment Officer (Trees) comments: September 2022**

I can confirm I don’t have any objections and see this as a good opportunity to extend the Green Infrastructure/Canopy Cover of the city.

The tree planting schedule is a well-considered scheme, with the use medium to small trees in the lesser roads with the larger species dominating the primary roads and development gateways.

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

As the planting grows and matures the hard landscaping will be softened and enveloped into the wider landscape.

To ensure that this scheme becomes a reality it is essential that that a watering and maintenance schedule is included in soft landscape scheme. We're at an early stage at the moment but considering the landscape documents are refined the inclusion of watering frequency needs to be included prior to any determination.

Can the applicant also consider the use of rain water capturing methods within street tree planting pits to utilise excess rain water to aid irrigation.

Initially the costs of installing such schemes is an additional expense but they are proven to be successful and reduce the need for watering schedules, which considering the volume of trees proposed, this in itself be expensive.

## 7.13 **Principal Natural Environment Officer (Ecology) October 2024**

Comments: No Objection

Notes in respect of Habitat Regulation Assessment (River Wye SAC)

I have carried out a Habitats Regulations Assessment and have provided it separately to the planning case officer.

Link to HRA:

<https://myaccount.herefordshire.gov.uk/documents?id=7fa62f75-a8de-11ef-9088-005056ab11cd>

Relevant conditions:

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

All foul water shall discharge to a 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.

### 2) Habitat Regulations (River Wye SAC) – surface water management

As detailed in the Updated Flood Risk Assessment by Tetra Tech all additional surface water shall be managed by swales with an attenuated direct discharge to the Yazor Brook; 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

### 3) Habitat Regulations (River Wye SAC) – General Construction Environmental Management Plan

For each agreed phase of development, prior to any works or site preparation commencing on a detailed Construction Environmental Management Plan – including ecological working method statement based on the assessment and details of the person responsible for the implementation of the CEMP, 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 SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

4) Habitat Regulations (River Wye SAC) - Construction Environmental Management Plan (Yazor Brook/Watercourse)

No development and/or site preparation works shall commence to install any headwall and other works within or directly adjacent to the Yazor Brook until a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods and consideration of all environmental effects, including biosecurity and direct water quality protection measures for all operations shall be supplied to the LPA for written approval. The approved CEMP shall be implemented in full for the duration of all construction works associated with Yazor Brook 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.

5) Habitat Regulations (River Wye SAC) – PROW (Yazor Brook)

Prior to any development commencing, a detailed plan and specifications, including use of natural planting and features, artificial fencing & similar and public awareness with interpretation-signage, to manage and control recreational use of footpaths and open space to ensure no disturbance effects on the core linear wildlife feature (Yazor Brook wildlife corridor) shall be supplied to the LPA for written approval. The approved plan shall be implemented in full 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.

The management of foul water flows such as to demonstrate nutrient neutrality or accommodated additional phosphate discharges at main sewer treatment outfall are currently subject to separate consideration and discussions that should be subject to a final agreement between the LPA and Natural England PRIOR to the required final HRA process being progressed.

The detailed reports and updated ecological surveys all appear relevant and appropriate for the current outline proposal being considered. In principal there are no significant ecological objections and all relevant detailed update surveys, protected species licences, species translocation/off site mitigation and detailed landscaping and biodiversity net gain proposals can be secured for each final agreed phase of development against an approved overarching master plan.

**Some more specific comments:**

It is noted that the current application and supporting information/masterplan that proposal includes a significant green space (various types and uses) between the development and the River Wye Tributary - Yazor Brook.

No new road crossings of the Yazor Brook that could lead to increased otter roadkill (unless designed out) are currently proposed. The design of the green space buffer should be such as to ensure minimal 'recreational' disturbance of the actual watercourse and its immediate banks – this is subject to detailed design approval.

Full and detailed Biodiversity Net Gain plans – including the use of habitat boxes built in to the homes being constructed and use of Green Space for natural and semi-natural habitat/biodiversity enhancement can be secured through further detailed design approvals.

A detailed Skylark nesting mitigation scheme with relevant off-site long-term alternative suitable nesting areas being secured is requested and should be legally secured for the lifetime of the development and implemented at least 12 months prior to any works commencing on site.

A sensitive lighting scheme both external lighting on new buildings and street lighting is essential to secure dark zones along the Yazor Brook corridor and minimise any increase in night time 'light glow' impacting dark skies and foraging nocturnal protected species and wildlife. This can be secured through approval of future best practice lighting designs.

The finally approved Landscape Master Plan should clarify how the proposed green space and other planting and landscaping + biodiversity net gain will be secured and managed for the lifetime of the development.

**7.14 Principal Natural Environment Officer (Trees): August 2024**

No further comments to add.

**7.15 Principal Natural Environment Officer (Trees): June 2023**

No Further comments to add.

The extensions of the buffer zones represent further enhancement opportunities to increase Green Infrastructure.

**7.16 Principal Natural Environment Officer (Trees): September 2022**

I can confirm I don't have any objections and see this as a good opportunity to extend the Green Infrastructure/Canopy Cover of the city.

The tree planting schedule is a well-considered scheme, with the use medium to small trees in the lesser roads with the larger species dominating the primary roads and development gateways. As the planting grows and matures the hard landscaping will be softened and enveloped into the wider landscape.

To ensure that this scheme becomes a reality it is essential that that a watering and maintenance schedule is included in soft landscape scheme. We're at an early stage at the moment but considering the landscape documents are refined the inclusion of watering frequency needs to be included prior to any determination.

Can the applicant also consider the use of rain water capturing methods within street tree planting pits to utilise excess rain water to aid irrigation. Initially the costs of installing such schemes is an additional expense but they are proven to be successful and reduce the need for watering schedules, which considering the volume of trees proposed, this in itself be expensive

**7.17 Public Rights of Way Manager: Comments January 2023**

Public footpaths HER1, HER55, HER38 and HER37 cross the site. They must not be obstructed in any way. They should be allowed a width of 2 metres. If any work is likely to endanger footpath users, temporary closures must be applied for. The paths should only be closed when work is taking place near to them.

**7.18 Public Rights of Way Manager: original comments July 2022**

Public footpaths HER1, HER55, HER38 and HER37 cross the site. They must not be obstructed in anyway. They should be allowed a width of 2 metres. If any work is likely to endanger footpath users, temporary closures must be applied for. The paths should only be closed when work is taking place near to them.

**7.19 Principal Building Conservation Officer comments September 2022**

My comments on the proposed master plan for the residential development of the NE quarter. Generally my impression is that there will a neutral or less than harmful impact on the setting of the listed buildings within the Huntington conservation area.

The setting of the conservation area is more at risk especially along Huntington Lane east of Huntington Court. Critical areas of concern are identified as follows:

**The area just west of Newcourt Farm.**

Currently there is a wide access into the farm site, which incidentally does contain the farmhouse of heritage interest, and the removal of the hedgerow east of this access point currently opens up views over open fields. Residential development of this land which visible from this point will adversely impact on the setting of the conservation area and I would wish to see the hedgerow reinstated and land north of the hedge used as a green buffer to any development.

**Huntington Lane.**

The current approach into the Huntington from the east has a strong rural character which is immediately gained by the tight access into the lane and defined by the tall hedgerows each side of the lane. Proposed development along the north side of the lane and at the entry point will adversely impact on this character affecting the setting of the conservation area. I would like to see the development set further back north of the lane and no units at the entry point.

**Area to the west of Three Elms Road**

There is currently an open aspect west of Three Elms Road towards the Huntington settlement. Tree planting along the west side of this road and more dense tree planting at the southern tip of the site would assist in preserving the rural character of the settlement.

The layout of the residential development should have a less dense more open plan character, more bespoke design and greater intensity of planting in land closest to the settlement.

**7.20 Archaeological Advisor updated comments: March 2023**

Although the amended scheme does involve *some* changes from that advised upon previously, these are not of a nature that would lead me to alter my advice (given e.g. in my memos of 28/10/2016 and 10/8/2022). Accordingly I would re-state that advice.

In summary:

The proposal as it stands is considered to be as acceptable under archaeological policy and best practice - subject to appropriate archaeological mitigation if given permission.

Having regard to Core Strategy LD4 and Section 16 of the NPPF, It is recommended that a suitable archaeological condition (Standard C48 'survey and record', or similar) needs to be imposed, in order to secure that mitigation.

#### 7.21 **Archaeological Advisor comments: August 2022**

In general I would restate the comments and recommendation I gave in relation to the original larger application (i.e. the lengthy views I gave 28/10/2016 in respect of application 162920 / 162921).

Clearly, this 'new' application relates to a significantly smaller area, and some of the sensitive zones that would have been affected under the original proposal will be so no longer. On the other hand, the most sensitive areas will [now] be subject to a more invasive form of development under the new scheme, so the overall impact will probably be broadly similar.

In conclusion, I continue to have no objection, subject to the imposition of an appropriate archaeological recording condition as mitigation, consistent with Para 205 of the NPPF.

The most suitable currently used standard condition in this case would be  
**Survey and Recording Condition C48**

#### 7.22 **Environmental Health Service Manager (Noise/Nuisance) comments: November**

My comments are from a noise and odour nuisance perspective. The applicant has provided a noise assessment, undertaken by ACCON UK dated 31st January 2022.

Baseline noise monitoring was undertaken in September 2021 and noise monitoring (commercial premises) concentrated on the industrial estate to the north east of the site. Having identified the potential for an adverse impact on nearby residential premises, mitigation has been proposed in the form of a green buffer and acoustic fence.

The report also identifies machinery noise originating from The Log Yard (monitoring station MP3 – page19) but this noise has not been assessed. Furthermore, The Log Yard premises contains an additional workshop which houses a vast array of saws and planers plus an extraction system and burner. This building will also need to be assessed in terms of noise impact on future nearby residents. In addition to this, The Log Yard has a total of 3 burners and the impact of these will require further consideration.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

#### 7.23 **Environmental Health Service Manager (Contaminated Land) comments July 2024 Comments**

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

"Three Elms North East Quarter, Hereford - further information. Environmental Statement Technical Note." Prepared by Waterman, ref: WIB14013-123-TN-1-2-1\_NEQ\_ES Technical Note, dated June 2024

Further to our advice of September 2023 and having reviewed the outline of additions and amendments included in the Technical Note, no further information with regard to these appears to have been submitted. As such, we've no additional comments to make at this stage. Those submitted previously remain current.

Representations are included below for ease of reference.

## Landfill and Contaminated Land

1st July 2024

"I've copied previous comments from February 2023 and September 2022, below as I cannot see they've been discussed in the various resubmissions.

Dated: 15th September 2023"

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

Further to our previous consultation advice, the applicants agent has submitted some commentary with a view to addressing the elements raised. We have reviewed the below which does not appear to indicate previously submitted reports with regard to contaminated land have been updated and as such, these have not been reviewed:

"Outline Planning Application (ref. 222138/O), Land at Three Elms, North East Quarter – Submission of Further Information." Prepared by Lichfields, dated: 06 January 2023, ref: 31929/02/PR/TJ/26055151v3.

The agent's summary with regard to contamination and ground conditions included in the above looks to crystallise our concerns with regard to contamination originating off site. It advises, in our understanding, that as the source is off site then it should not be the responsibility of the applicant to further assess and resolve.

Consideration of off-site risks is routine and fundamental for this type of assessment. Wherever the source, be it on or off site, the resultant risk to future residents is the same and as such it is difficult to appreciate the argument being put forward to obviate the need for additional investigation here.

This is further compounded as the focus of the commentary is that of bacteriological risks. This is not wholly the basis of our comments. Inconsistent concentrations of hydrocarbons and phenols have also been found. Given the possibility of the source potentially being from the commercial development adjacent, it could reasonably be considered that it might include surface run-off or other drainage from it (hence phenol and hydrocarbons). Because of this, we would reiterate our view that further work should be taken to demonstrate the source will not represent an ongoing risk to future residents.

The comments provided by the agent go on to discuss measures to be put in place as part of the construction management plan. This is largely irrelevant to what's required by way of a contaminated land assessment in accordance with guidance and as such it is not clear why it is mentioned.

Further to the above, there is no discussion on our request for an appropriate and site specific Preliminary Risk Assessment as required by guidance or advice with regard to pesticides and herbicides raised or around protection of the abstractions.

For the avoidance of doubt, we would confirm that our previous recommendation (copied below) would remain unchanged by the submission of the letter by the agent cited above.

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

This application has been submitted with a site investigation report which includes consideration of risks from contamination to future site users from former and current on and off site sources. "Three Elms, North Eastern Quarter. Ground Conditions Interpretative Report." Prepared by Tetra Tech Environment and Planning (NI) Limited, ref:B031377, June 2022.



It is normal practice in site investigation reports for them to follow on from a desk study (or Preliminary Risk Assessment). In this instance, due to the application site being formed from part of an earlier, larger site, reference is made to elements of this rather than being site specific. The report does not include any further site investigation soil sampling. As such, the data contained within the application for the larger Three Elms site has been reinterpreted for the North East Quarter.

Whilst the former agricultural use of the site is one that is not considered likely to be significantly impacted by contamination from its former uses, there are some elements which are considered relevant for further assessment such as risks from inappropriate application of herbicides and pesticides and the outflow on to the northern section of the site from broken pipework.

We would consider it appropriate to undertake further soils sampling in the areas around BH13 where alongside evidence of sewage contamination (reported elsewhere), inconsistent elevated concentrations of phenol and aromatic hydrocarbons were identified. This is in addition to pentachlorophenol in pesticide analyses of groundwater in 2018 sampling results (it is note that this sample also reports matrix interference on these results that could have influenced their reporting).

- From a review of the sampling locations and suites, it is not clear that soils in the area of the affected borehole have been similarly assessed. Because of this, pesticide and herbicide analyses would be helpful supporting evidence of the area being suitable for residential use.

The damaged pipe in this area is also something of an uncertainty given its origins are unclear and could potentially represent run off or surface drainage from the commercial/industrial units at the nearby business park. Soils analyses in this area would be helpful in presenting a more quantitative representation of risks from this potential point source alongside further efforts to understand whether any drainage runs are directly from potentially contaminative surrounding uses on to the development site.

The Environment Agency have commented on risks to controlled waters and our Private Water Supply Team have equally considered risks to commercial extraction boreholes on site and nearby. As such, these will not be repeated here other than to say it is essential to ensure that existing risks from the presence of sewage and some elevate compounds in nearby groundwater monitoring boreholes have been comprehensively characterised and that residual contamination risks have been identified that could present an ongoing risk to the extractions or new risks or pathways introduced by the development.

With the above in mind, it would be useful if a site specific Preliminary Risk Assessment be provided in accordance with guidance. This will more clearly demonstrate the risks which are considered relevant to this part of the site and that they have been suitably investigated in the further phases of work undertaken together with any uncertainties which remain.

The following condition is recommended to be appended to any approval with a recognition that The majority of the works have been carried out and it is the presentation of the information Which needs further consideration alongside those comments raised above.

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

- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

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

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

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

#### Technical notes about the condition

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

## **7.24 Environmental Health Service Manager (Air Quality): March 2024: No objection**

I refer to the Three Elms North East Quarter, Screening Assessment of the Log Yard Biomass Boiler, prepared by Waterman dated February 2024.

The air quality screening assessment was undertaken to address potential Air Quality impacts of Nitrogen dioxide and Particulates on the proposed adjacent residential development.

The screening assessment was based on similar sized biomass plant, as data was not available for the plant at the log yard. The assessment used Defra's Biomass Emissions Screening Tool (Version 7) which compares target emission rates with predicted emission rates. Where target emission rates are exceeded further assessment is recommend.

The predicted emission rates of similar biomass appliances were found to be lower than the calculated target emission rates derived from the screening tool. Therefore it was considered that emissions from the biomass at the log yard were unlikely to exceed air quality objectives. On this basis no further information is required in relation to assessment of emissions at the log yard in relation to the proposed development.

However, it should be noted, that assessment is based on the current size of the biomass plant at the Log yard. If there is an increase in size of the plant then further consideration of emissions may be required.

Should permission be granted, the layout of the residential development at reserved mattered stage will need to be considered to take into account smoke that may arise from the start up and shut down operation of the biomass to reduce any likely impact on future occupants of the development.

#### **7.25 Environmental Health Service Manager (Private Water Supply Team): September 2022**

We have reviewed the above application and would make the following comments in consideration of risks to private water supplies only.

The proposed development is near to major commercial abstractions which are routinely monitored to ensure compliance with regulatory standards. Inappropriate or insensitive development of the site has the potential to adversely impact these supplies. This has been discussed and debated in previous applications for the wider site by technical specialists for both commercial abstractors and those on behalf of the applicant. Alongside which the Environment Agency(EA) have undertaken detailed discussion with the applicant in relation to mitigation plans and ongoing risks to the Source Protection Zone.

##### **Mitigation plan**

The Environmental Statement and Hydrological Risk Assessment Desk Study & Site Investigation Report A101670 have identified sources of potential contamination during the construction phase and the actions to mitigate these risks within the mitigation plan. It is understood that this plan has been developed with input from the EA and that they are generally satisfied with the proposals for mitigation within it.

This is welcomed and does help in providing reassurance that risks to the commercial supplies and the source protection zone have been suitably considered. As such, we would not offer comment on technical aspects of it.

##### **S106**

The mitigation plan mentioned above discusses how elements and obligations in protecting the supplies will be achieved through the establishment of a management company with its remit to be agreed with Herefordshire Council. With this being the case, it would seem appropriate that we be consulted on the finer details of what this will include and exclude and how the companies obligations will be carried out going forward and for the lifetime of the development.

##### **Recommendation**

On the basis that we will be consulted on the s106 agreement it would seem unreasonable to object to this application given the EA's agreement.

#### **7.26 Strategic Housing Manager Comments June 2024**

Thank you for inviting comment from Strategic Housing. The amendments do not appear to affect the Affordable Housing on this site so our comments remain the same as before

#### **7.27 Strategic Housing Manager Comments March 2023**

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



In providing our comments, there are 2 scenarios that we would ask to be considered.

The first and preferred scenario is that the client agree to allow 1.5 acres of the 35% of land usually allowed for Affordable Housing to be given to Herefordshire Council, in lieu of Affordable Housing. This land would be used by Herefordshire Council to build a Nursing/Care Home for elderly clients and we would require it to have Class C 2 use. Any remaining land of the 35% to be built out with a mixture of 1,2,3 and 4 bedroom units for social rent and Intermediate home ownership.

The second scenario would be to provide the full 35% of the land to be built as Affordable Housing.

Policy H1 states that there will be a requirement for the applicant to provide 35% as affordable housing, If this application is for 350 units, we would expect 123 units as affordable housing.

As outlined in the councils Affordable Housing Supplementary Planning Document incorporating the Technical Data, Strategic Housing would require the following tenure breakdown.

25% of the units as First Homes, which are discounted at 30% off the open market value  
71% of the units would be for social rent  
4% as Intermediate Home Ownership

Strategic Housing would be looking for the applicant to provide accessible housing for the identified needs of the applicant's on the Local Authorities Accessible Homes Register. Therefore we would look to negotiate a percentage of the units to be provided as a mix of M4(2) and M4(3), specifically 2 and 3 bedroom units.

We also require a block of one bedroom units for a vulnerable cohort with one of those units to be used as staff accommodation/office. In addition to this we would ask for 4 x one bedroom units either in a block or dispersed throughout the site for another vulnerable cohort.

In this scenario, the units are to be built as Class C3.

There will be a requirement for local connection to the Kings Acre ward in the first instance then Hereford City, followed by the rest of the county covered by the administration of Herefordshire Council.

All of the above will be secured via a Section 106 Agreement.

As an outline application Strategic Housing would require a condition imposed on any planning permission that the exact mix and bed sizes for both the open market and affordable housing be agreed prior to the submission of any RM application.

## 7.28 Strategic Housing Manager Comments August 2022

Policy H1 states that there will be a requirement for the applicant to provide 35% as affordable housing, if this application is for 350 units, we would expect 123 units as affordable housing.

As outlined in the councils Affordable Housing Supplementary Planning Document incorporating the Technical Data, Strategic Housing would require the following tenure breakdown.

25% of the units as First Homes, which are discounted at 30% off the open market value  
71% of the units would be for social rent  
4% as Intermediate Home Ownership

Strategic Housing would be looking for the applicant to provide accessible housing for the identified needs of the applicant's on the Local Authorities Accessible Homes Register. Therefore we would look to negotiate a percentage of the units to be provided as/ or M4(2) and M4(3), specifically 2 and 3 bedroom units.

We also require a block of one bedroom units for a vulnerable cohort with one of those units to be used as staff accommodation/office. In addition to this we would ask for 4 x one bedroom units either in a block or dispersed throughout the site for another vulnerable cohort.

There will be a requirement for local connection to the City of Hereford in the first instance then the rest of the county.

All of the above will be secured via a Section 106 Agreement.

As an outline application Strategic Housing would require a condition imposed on any planning permission that the exact mix and bed sizes for both the open market and affordable housing be agreed prior to the submission of any RM application.

## 7.29 **Principal Minerals and Waste Officer Comments August 2024: no objection**

Thank you for re-consulting me on the above application following the submission of updates in June 2023.

In my previous comments I confirmed that the proposal 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. Since then the Councils Minerals and Waste Local Plan has been formally adopted and can be attributed full weight. Below is an update to the recommended condition for a Resource Audit to comply with the requirements of policy SP1.

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;

- Identify how the site excavated materials are to be managed on site;
- For excavated material which cannot be used on site, specify the movement to either an aggregate processing plant or for re-use on another development site;
- Identify the amount and type of construction aggregates required and their likely source;
- Identify 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;
- Identify the steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- Identify the type and volume of waste that the development will generate (both through the construction and operational phases);
- Identify on-site waste recycling facilities to be provided (both through the construction and operational phases);
- Identify 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: In the interest of conserving and managing all available materials across the site and to ensure that the treatment and handling of any site waste is managed and co-ordinated in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SP1 of the Herefordshire Minerals and Waste Local Plan, Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### 7.30 Principal Minerals and Waste Officer Comments October 2023

#### Appraisal

Thank you for re-consulting me on the above application and amended plans and documents.

In my previous comments on the 8 March I confirmed that the proposal 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. Previously I requested that conditions covering Material Management Plan (MMP) and Construction Environmental Management Plan (CEMP) were included on any approval decision. Both of these conditions are still relevant, however since these comments the Councils emerging Minerals and Waste Local Plan (MWLP) has advanced past examination and the main modifications stage and can now be given significant weight.

Within the emerging MWLP, policy SP1 deals specifically with Resource Management. The policy recognises that the Core Strategy proposes substantial new development which should be delivered sustainably, with Minerals and waste key resources on how sustainably new developments can be delivered. The objective of the policy is for new developments to consider and address waste prevention and the management of materials used in the construction of the new developments.

In accordance with emerging policy SP1 of the MWLP I would request that the previous suggested MMP condition is replaced with the following policy requesting a Resource Audit which although similar to that previously requests, reflects the requirements of the emerging policy.

*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;*

- *Identify how the site excavated materials are to be managed on site;*
- *For excavated material which cannot be used on site, specify the movement to either an aggregate processing plant or for re-use on another development site;*
- *Identify the amount and type of construction aggregates required and their likely source;*
- *Identify 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;*
- *Identify the steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;*
- *Identify the type and volume of waste that the development will generate (both through the construction and operational phases);*
- *Identify on-site waste recycling facilities to be provided (both through the construction and operational phases);*
- *Identify 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: In the interest of conserving and managing all available materials across the site and to ensure that the treatment and handling of any site waste is managed and co-ordinated 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.*

### 7.31 Waste Operations Team Leader comments. March 2023

Should the application proceed to reserve matters the comments made will still apply.

Specifically;

- A swept path analysis for all internal roads where it is anticipated the refuse collection vehicle will travel.
- Details for the bin stores for flats.
- Bin storage and collection point arrangements for each plot should be included on submitted documents.

For reference collection vehicle measurements of the current standard 26 tonne collection vehicle are;

Height: 3500mm

Width: 2250mm (2650 including mirrors)

Length: 7565mm

### 7.32 Waste Operations Team Leader comments. August 2022

Should this application proceed to reserved matters, please note the following should be provided:

A swept path analysis should be 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 for each plot to be included 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 (including any apartment blocks of 7 or less units) 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)

Collected on an alternate 3 weekly basis

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.

For any apartment blocks with 8 or more apartments, bin stores should be provided to accommodate the above capacity per unit. Herefordshire Council provide either 660 or 1100 litre communal bins. Details regarding bin stores should be included in submitted documents.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

In the event that any roads within the development are not adopted, please note that the council will only agree to travel private roads for the purposes of waste collection if:

- The council and its contractors determine that collections can be carried out safely;
- and
- The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;
- and
- The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

### 7.33 Open Spaces Planning officer comments: September 2022

I have assessed the site and the proposed development previously as part of the larger Three Elms Site strategic allocation (planning ref 162920). There is no landscape objection to the principal of this development to be known as the North East Quarter. I do, however, offer the followings observations, which could be addressed as part of this application or be considered later at Reserved Matters:

#### ENVIRONMENTAL STATEMENT

The Landscape and Visual Impact Assessment (chapter 15) follows recommended guidance and includes all expected information, except at:

- Para 15.6 Core Strategy there is no reference to Policy LD1 on landscape and townscape character or LD3 on green infrastructure.

The baseline assessment is suitable and the definition of local landscape character types across the site and immediate setting is welcome to demonstrate clear understanding of the area. The sensitivities for the landscape character types and visual receptors are agreed. Given the considerable scale of the development, there are many adverse impacts associated with the change from open agricultural land to residential. These have all been summarised well in the chapter. There is one area, however, that I disagree with:

- The landscape character and visual impacts to Huntington Conservation Area and its residents. The chapter does identify that there will be permanent significant adverse effect on Huntington Village character and visual impact. However, the proposals fail to identify any mitigation options. I disagree that the likely significant effect is moderate, it would be major due to the substantial permanent loss of the open agricultural setting of Huntington with the introduction of urban development that is prominent and totally surrounds the village. Mitigation measures could be increased such as screen planting, buffer planting, hedgerows, woodland, build line set back at entrance points and reduced density of built form. Such mitigation may then reduce the likely residual effect to moderate on maturation of the vegetation.

## LANDSCAPE STRATEGY

The Landscape Strategy document is welcome and well presented. The concepts set out for the various landscape character areas are suitable. Inclusion of a tree planting strategy is helpful. The street furniture including a mix of wood and the colour palette is suitable, inclusion of natural stone would be welcome at key focal points. An interesting range of play features is proposed. The Huntington Village mitigation proposals should be incorporated into this document and the mitigation wording from the ES chapter should be reflected (particularly mentioning "Containment of primary road corridors within well vegetated road boundaries" as stated in para 15.93 and the final table 15.16).

## GI PARAMETERS PLAN

The key and reasoning behind this GI plan could be better explained, as it leaves a number of queries:

- Define what buffer zone planting is. Eg, min 10m wide, type of plants to include mixed native trees and shrubs? Maintained as ecological zone by mgmt. co?
- Why does the buffer zone planting along the business park boundary stop half way to Roman Road, rather than continuing all the way?
- Clarify the dark grey '10m wide buffer zone' only applies adjacent to Bovingdon Park.
- The existing north – south public right of way corridor does not look good crossing the primary road corridor twice and being squeezed against the poultry houses. This is not best practice GI.
- What are the grey dashed arrows showing?
- Add further required GI mitigation around Huntington Conservation Area.

## PROPOSED ACCESS POINTS

The detailed proposals for the access points should reference any retained and protected trees and hedgerows or clarify which sections are removed for the construction work, with replacement hedgerow to be provided. This should include root protection zones. The arb report in the ES chapter does not show this level of detail.

## MASTERPLAN

I have not reviewed the detail of the illustrative masterplan as this level of detail will be considered later at RM application.

### 7.34 Education Officer Comments: January 2025

Further to our discussion this morning I have revised the requested education contribution for the primary phase to take account of the accepted level of current spare capacity in the related primary schools to the development. The contributions for the other phases remain unchanged.

The update provided in October 2024 was based on the Spring Term 2024 census figures and noted some available spaces in the older year groups. Pupil data is now available from the Autumn Term 2024 school census.

Primary Schools	PAN	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Trinity Primary School	84	77	80	90	74	74	66	96
Stretton Sugwas CE Academy	30	28	29	31	32	26	21	16
St Francis Xavier's Primary School	30	30	30	30	30	32	29	32
Available spaces in each year group		9	5	0	10	14	28	14



The updated figures show, as expected, that as the smaller cohorts at the top of Stretton Sugwas CE Academy move on they are being replaced by larger cohorts moving through. The total number on roll at the school has increased from 169 to 183. The Local Authority considers that current year groups 4, 5 and 6 are not representative of the expected position at the time the proposed development begins to be occupied. The average number of available places per year group across the three schools in years R to 3 is 6.

The DfE Pupil Yield Dashboard figures from 2021/22 give an average primary pupil yield from new housing of 0.3345 per dwelling. Applied to 350 dwellings this produces 17 pupils per year group on average.

Having considered the latest pupil figures, the Local Authority is willing to reduce the primary contribution sought by deducting the 6 places per year group that currently exist in the related schools. This would reduce the contribution by 35% i.e. 6 / 17. The costs sought would therefore be:

Contribution by size and type of dwelling	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2+ bedroom apartments	£232	£1,273	£1,597	£135	£704	£310	£4,251

2/3 bed house or bungalow	£484	£2,230	£3,005	£135	£948	£558	£7,360
4+ bed house or bungalow	£716	£3,653	£6,173	£135	£1,868	£987	£13,532

We consider that this approach meets the statutory tests set out under regulations. It is:

*1. Necessary to make the development acceptable in planning terms.*

Housing development creates more households in the community in which it is situated. Except for developments aimed at specific sub-sections of the population, such as retirement apartments, these new households are likely to include children at some point in the lifespan of the property. This increase in the child population will create added demands on schools in the local area.

The information set out above shows that the related schools do not have sufficient spare places to absorb the children expected from this development so it cannot be considered acceptable unless proper mitigation is put in place.

*2. Directly related to the development.*

Herefordshire Council has named schools as directly related to this development where they use a catchment area or similar geographical criteria as part of their admission arrangements which covers the area in which the development is located.

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

3. *Fairly and reasonably related in scale and kind to the development.*

The level of contribution sought is based on a cost per dwelling which varies depending on the size and type of dwellings proposed. One-bedroom dwellings and specialist accommodation are exempt in recognition of their low pupil yield. Affordable housing is also exempt.

7.35 **Education Comments September 2024 and 2022: insert link below:**

<https://myaccount.herefordshire.gov.uk/documents?id=7b2a026f-3a6c-11ed-905e-ef11b64ce433>

7.36 **Drainage comments: September 2025:**

<https://myaccount.herefordshire.gov.uk/documents?id=48b64e85-9adb-11f0-9090-005056ab3a27>

Confirm that I have reviewed the new documents on the portal. **CONDITIONAL NO OBJECTION**

On 13<sup>th</sup> August 2024 we advised that we held no objection to the planning application. Whilst the new information on surface water flood risk has not altered our stance, we consider that some amendments will need to be made to the Indicative Surface Water drainage drawing in order to ensure that all drainage issues are captured in any subsequent review. We await the submission of a revised drawing.

7.37 **Drainage comments: August 2024:**

<https://myaccount.herefordshire.gov.uk/documents?id=477abe43-646a-11ef9081-005056ab3a27>

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

- Site Boundary (P1);
- Three Elms North East Quarter Updated Flood Risk Assessment and Drainage Strategy Version 11.0 – Waterman dated 12/6/2024
- Geosmart Flood Risk Review 8/9/2022 (submitted by Huntington residents)
- Site Visit to Newcourt Farm and Beeches Business Park 22nd February 2023
- Site Visit to meet Tenant Farmer to discuss Spring 20<sup>th</sup> Sept 2023
- Hydraulic Modelling Report Revision P2 16<sup>th</sup> May 2024
- Flood Estimation Report
- Site Access Arrangements – Three Elms Road and A4103 Roman Road

**Site Location**



**Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), September 2022

**Overview of the Proposal**

The Applicant proposes the construction of up to 350 dwellings and a new linear park to the north of the Yazor Brook. New site access points are proposed to Three Elms Road to the east and Roman Road to the north. A 'park and choose' site is proposed in the northern part of the site, adjacent to Roman Road. The site covers an area of approx. 24.8ha and is currently agricultural land. Yazor Brook flows along the southern boundary of the site. The topography of the site slopes down from north to south by approx. 12m.

The Three Elms development comprises one of the strategic development sites promoted in the Core Strategy as part of the Western Urban Expansion. Policy HD5 of the Core Strategy includes a number of flood risk related requirements for the development of this site namely:

- Sustainable drainage and flood mitigation solutions should form an integral part of the green infrastructure network.
- Opportunities to mitigate flood risk arising from the Yazor Brook for existing residents and businesses within the city should be explored.

We highlight that any planning application should be submitted in accordance with the Herefordshire SuDS Handbook and the Herefordshire Council Planning Applications Flood Risk & Drainage Checklist available on the Council's website: [https://www.herefordshire.gov.uk/info/200142/planning\\_services/66/about\\_planning\\_services/11](https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11)

**Flood Risk**

Of key prevalence is the assessment of potential flood risk benefits associated with the Yazor Brook, as required under Policy HD5 of the Core Strategy.

The applicant has presented a revised FRA which incorporates outputs from the Yazor Brook hydraulic model including 37% climate change. The mapping that has been presented demonstrates that all residential areas will be outside of Flood Zone 3, assuming the undefended scenario.

7.11.2023 The modelling assumes that the Flood Alleviation Scheme at Credenhill remains functional (this is explained in the Modelling Report, item 4.11.7). This means that the modelled flood extents are for the Defended scenario rather than the UnDefended scenario. However, we appreciate that the UnDefended simulation was provided in FRA & Drainage Strategy Rev 7 Appendix F

The Geosmart report identifies a location at Towtree Lane where the model was simplified. The related inflow is close to the Three Elms site. The model was developed as a tool to provide flood mapping in central Hereford, not to inform the Three Elms site. For the benefit of the residents, we request that the applicant revises the model to replicate this inflow.

7.11.2023 The Flow Estimation Report indicates that this tributary was modelled (Site code UN01, Table 3.1)

Geosmart have also referenced three recent developments in the vicinity of the site.

The surface water strategies for Tillington Road and The Paddocks were reviewed and approved prior to construction, runoff **rates** for both sites were gently inflated owing to blockage risks (runoff rates would have sharply increased if the flow controls were to block). We see no reason for further analysis of the discharges from these sites because the runoff **volumes** have not significantly increased.

The Livestock Market was constructed around 15 years ago when SuDS guidance was less developed. The applicant has queried whether the SuDS were installed correctly. Whilst the site is quite large, it is not on the banks of the Yazor Brook, moreover there are other impermeable areas upstream such as the Credenhill MOD base. We request that the applicant advises how impermeable areas within the catchment were modelled and provides commentary and technical justification for the runoff that may occur from these sources. As there is an absence of design information, runoff **rates** and **volumes** from the Livestock Market may be assumed to be increased.

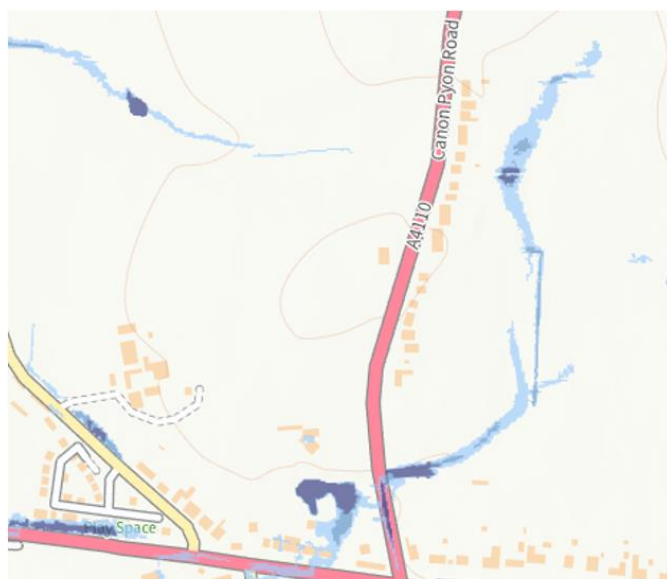
7.11.2023 The applicant has provided commentary (23.10.2023) as follows. It is recognised that modelling techniques rely on the adoption of parameters that are selected to define the catchment using a coarse approach, which makes simulation of fine detail impractical (e.g. localised impermeable areas).

“Infiltration has not been represented in the Yazor Brook fluvial hydraulic modelling. Different surfaces on the floodplain have been represented using OS MasterMap and Mannings n coefficients to simulate the differences in roughness.”

“A hydrology study has been undertaken to derive peak flow estimates for the Yazor Brook upstream of Three Elms Road. This study has been done at a catchment scale. The catchment upstream of this location is 42.98km<sup>2</sup> and predominantly rural. Detailed assessment of runoff rates and their contribution to the flow in the Yazor Brook at individual urbanised areas within the wider catchment has not been undertaken. However, the impact of urbanisation has been considered in the catchment hydrology by using standard Flood Estimation Handbook methods for example to adjust the estimation of QMED using urban expansion factors which are derived based on the fraction of the catchment classified as urban or suburban.”

The Geosmart Report also references the inflow of highway drainage from the A4110 that drains via the Paddocks culvert. The extract below from the Surface Water Flood Map suggests that

areas east of the Canon Pyon Road are included in the Yazor Brook catchment. Highway Drainage records confirm that there are highway drains on these roads that discharge to the Yazor Brook. The applicant is requested to advise how this is currently modelled and if appropriate include provision for a specific inflow accounting for this flow.



7.11.2023 The revised FRA includes an allowance for 1.98 Ha of Highway that currently drains to The Paddocks Culvert. We note that the land immediately east of the Canon Pyon Road has since been developed, with provision made for an adoptable surface water sewer draining the new housing estate.

There is a risk that the A4110 (Three Ellms Road) culvert could become subjected to a partial blockage. An assessment is required to demonstrate the impact of a 50% blockage in the event of a 100 year + 37% climate change storm.

7.11.2023 The 50% blockage scenario could be addressed at Reserved Matters stage.

The FRA supporting application 162690 addendum included hydraulic modelling of the Yazor Brook to assess the benefits of on-site fluvial storage and to ensure that the works (and scheme as a whole) do not increase flood risk outside of the site boundary. Under more recent dialogue with the EA the concept of lowering ground levels in SPZ1 has been rejected.

13.8.2023 The applicant has presented proposals for ground lowering within R04 that would mobilise a maximum of 1500m<sup>3</sup> flood storage. Figure 7.2 in the modelling report shows that this would be installed on the eastern side of the Yazor Brook. The SPZ extents could however alter on receipt of the forthcoming groundwater modelled SPZ extents. This may make it possible to increase the size of the flood storage area. The modelling results do not show a tangible benefit and so re-sizing of the storage area would be encouraged after the SPZ extents are known

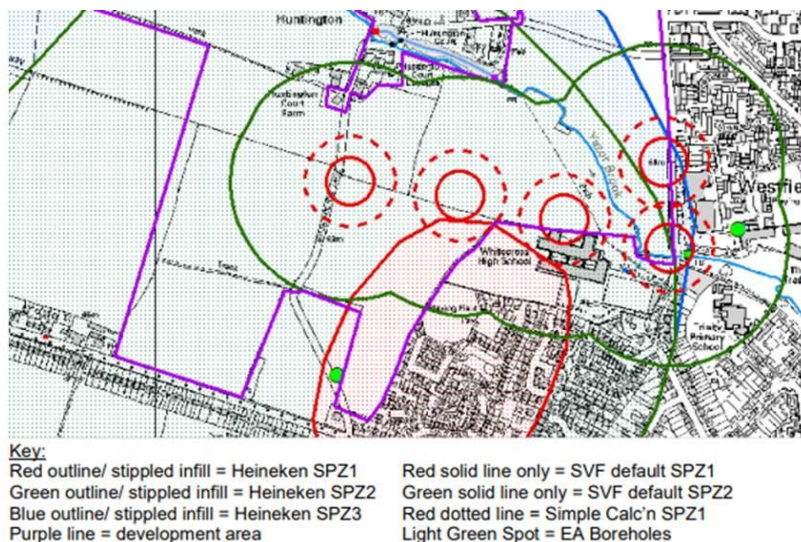
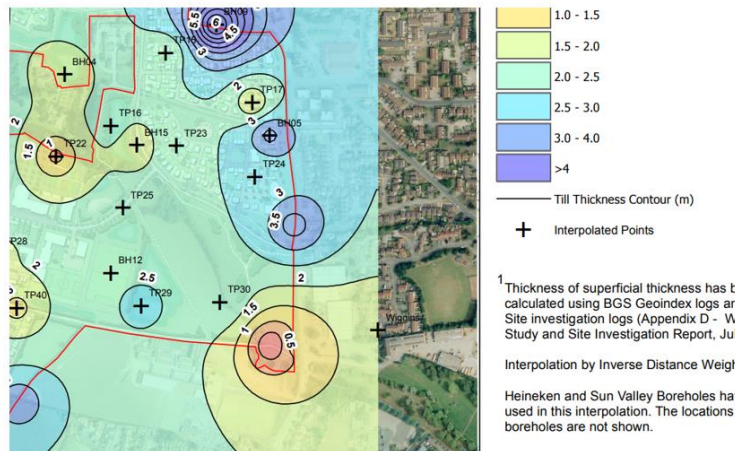
The applicant has advised that the EA requirements on Till depth can be achieved. We assume that the information submitted is both genuine and representative of site conditions so treat this advice in good faith.

The Environment Agency have commented on the depth of Till thickness as follows (email 6.11.2023)

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

“Based on the previous site investigation results the Till thickness in this area is estimated at around 2.0-2.5m (green), which is not particularly substantial. “



We understand that finished floor levels will be set a minimum of 600mm above the ‘flood level’. We agree with this approach in principle although the definition of ‘flood level’ has not been clarified. We highlight that the following approach is expected for each development vulnerability classification: Further modelling would be required to confirm the Test scenario, at Reserved Matters stage.

Development Classification	Design scenario	Test scenario
Less vulnerable	600mm above the 1 in 100 yr + 37%CC with operational FAS	Above highest of: 1 in 100 yr + 80%CC with operational FAS; 1 in 1000 yr with operational FAS; or 1 in 100 yr + 37%CC with fully blocked FAS (i.e. undefended).
More vulnerable	600mm above the 1 in 100 yr + 37%CC with operational FAS	Above the highest of: 1 in 100 yr + 80%CC with operational FAS; 1 in 1000 yr with operational FAS; or 1 in 100 yr + 37%CC with fully blocked FAS (i.e. undefended).

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



Key access routes	Remain dry up to and including the 1 in 100 yr + 37%CC with operational FAS	Remain safe (low hazard) for the events above.
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Consideration should also be given to the residual risk events discussed as ‘test scenarios’ above, noting that the road should remain safe during these events if it is considered important for access and egress during a flood event.

The applicant has suggested that all properties will be raised up 150mm. This is a county wide requirement as defined in the Herefordshire SFRA Level 1. The applicant will need to consider locations where surface water flooding may occur and consider localised raising of properties by 300mm

7.11.2023 - Under item 9.2.7 the applicant has suggested that houses will be raised 150mm.

Finished Flood Levels can be considered in detail at Reserved Matters stage. This will involve running the Yazor Brook model to simulate the scenarios/storms listed under Test scenario above.

Also, there will be locations where surface water runoff from upper areas of land will need to be reconsidered (including south of The Paddocks, as referenced in item 3.2.12).

### **Surface Water Drainage**

At detailed design stage the surface water strategy and SuDS will be subjected to a detailed technical review. The following comments relate to a review of the Outline submission, which has presented the principles of the surface water strategy without supporting detailed calculations.

We note that the initial calculations are based on 60% impermeable area which forms a basis for this submission. This has informed the ‘Management of Increased Volume’ as referenced in the Geosmart Report. We note that this figure is preliminary and during the proposed detailed design review it may need to be altered as the design evolves.

Permeable areas alongside properties will ultimately discharge into the ponds as the ground is not porous, and so in the reserved matters application the applicant may need to consider the implications of the associated volume of greenfield runoff.

7.11.2023 Under our February 2023 comments we raised the issue of additional runoff from the following 2 areas. We note however that there is ample space within the development area for larger ponds, so we accept that a surface water strategy could be developed within the constraints of the site.

- We note that there are proposals to develop the Park and Choose area. There will be a net increase in runoff from this area.
  - We request that the applicant confirms whether the presence of land drainage features from outside the red line area (i.e. the area shown below) have been considered.
- 13.8.2024 we note that there is a planning application for a Care Home on this plot.



We note that the applicant has presented revised greenfield calculations utilising FEH methods and FEH2013 rainfall data. The latest version 11.0 of the FRA & Drainage Strategy (12.6.2024) includes corrected figures. We note however that the applicant has based the contributing areas for the respective ponds based on the anticipated Impermeable Area + 10% Urban Creep. This has the net effect of increasing the proposed runoff rate by 10%. We note that there is ample space within the development area for larger ponds, so we accept that a surface water strategy could be developed on the basis that the contributing areas for the respective ponds is based on the anticipated Impermeable Area only. The ponds would then need to be sized making an allowance for the runoff volume for the Impermeable Area with 10% Urban Creep. This approach ensures that the development will maintain the existing greenfield runoff rates shortly after completion, noting that urban creep tends to occur over subsequent decades.

The greenfield runoff rates that have been presented as part of the Outline submission will need to be corrected at Reserved Matters stage.

As part of the initial comments on version 4.0 of the Drainage Report, Objector Mr Nugent has raised some issues regarding the runoff rate (Table 1). To achieve both the volumetric and flow criteria in all storms, it is common practice to limit the pass forward flow to QBAR. Since the objections were raised version 8.1 has been released with corrected figures.

As noted in item 4.5.3 of Tetrattech FRA (June 2022) a greenfield rate of 1.69 l/s/ha was agreed for the wider site strategy (based on loH 124). The latest Drainage Strategy identifies a rate of 2.15 l/s/ha based on the FEH statistical method.

We note that under their correspondence dated 13th April 2021, the EA have identified the need for a design that features a slow discharge to the brook.

The Indicative Layout Drawing shows the proposals to divert the A4103 Highway Drainage into a swale in the POS. We agree with this principle and note that the swale will provide treatment to the discharging water. The position of the headwall will need to be approved to ensure that the outfall will self-cleanse. The swale needs to be designed to mimic the existing scenario of water tracking across farmland. The swale will need careful design so that the time of concentration at the Yazor Brook is broadly similar to the existing scenario.

13.8.2024 We note the submission of a Site Access Arrangement Drawing for Roman Road. It has been proposed that the existing highway drain will be extended to discharge into the new swale. Herefordshire Council policy dictates that council assets need to be installed in publicly owned highway. At this stage we are unclear whether all of the site roads will be put forward for HC adoption. It may be necessary to install the new drain below the hammer-head (highway), with the new drain installed below it. Further to subsequent discussion with HC it may be possible for the hammer-head (highway) to be adopted along with the highway drain.

We note however that there are some gullies on the old section of Roman Road (north of the Paddocks development) that will continue to drain to the same highway drainage outfall. The outfall will remain active and will be a source of flood risk to the Three Elms development. We note that there are proposals for a Park and Choose and until this area is developed the field ditch will also receive runoff. In addition, there is a risk of the culverted watercourse at the Paddocks blocking with debris, consequently there may be a risk of surface water flooding from this estate unless additional works are completed as follows.



The applicant would need to reach an arrangement with Herefordshire Highways to fund a Public Realm highway drainage project, to divert the highway drains on the Old Roman Road into the more recently built section of carriageway. The new section of road was rebuilt around 20 years ago and a highway drain was built that spills into balancing ponds alongside the Yazor Brook.

7.11.2023 The applicant has advised as follows (email 2.11.2023) :-

“Our drainage team have reviewed the comments and have confirmed that we understand there will be two remaining gullies on Old Roman Road which still drain through the Paddocks. The new swale would take the vast majority of flow and we believe the discharge from these drains would be very low. It is noted that these sit outside of the redline boundary and therefore do not feature within our drainage strategy proposals. On that basis, we propose an appropriately worded condition to require the applicant to gain an agreement with Herefordshire Highways to divert the two highway drains on the Old Roman Road into the more recently built section of carriageway of Roman Road. “

The Highways Authority require that modifications or alterations to the existing highway drainage system are completed by an approved Contractor. We note that the applicant has agreed to the principle of making changes to the existing drains on the Old Roman Road. We consider that a condition could be drafted that enforces the changes to the highway drainage system, however in practice it would be impractical for the applicant or their agents to modify the existing highway drainage system.

13.8.2024 Item 9.2.1 reads as follows :-

“Drainage Works within the Roman Road may require a S278 agreement or alternative for minor works subject to Herefordshire Council requirements”

We reiterate our original stance that modifications to the existing highway drains would need to be completed by an authorised agent of Herefordshire Council. Section 278 of the Highways Act relates to the adoption of new highways, not modifications to existing assets.

We accept that there will be a means to make these alterations but do not accept that this issue can be completed by the developer.

The FRA has now considered the risks associated with the Balancing Pond at the Paddocks site overflowing, although further consideration is required as explained below. The Paddocks balancing pond drains into a surface water sewer on Roman Road. The sewer is on higher ground. If there was a blockage in the surface water sewer on Roman Road, water would spill from the lowest point on the surface water network. The fore mentioned pond is at the lowest location and so there is a risk that the pond could fill and overflow onto adjacent land.

The Geosmart report (Figures 11 and 12) illustrates the topography.



At Reserved Matters stage it will be necessary to consider the quantity of water that may be released from the Paddocks Balancing Pond and provide adequate provision within the Three Elms development to cater for this risk. The FRA only needs to consider the implications of this surface water flow route, which is likely to require property thresholds being raised 300mm due to the surface water flood risk. The low points on the site roads will need to be considered.

7.11.2023 At reserved matters stage an exceedance plan will need to be issued showing where water would be directed based on proposed ground levels, with details of the respective property thresholds that may be raised up.

Objector Mrs Geeson has raised some valid issues regarding ephemeral groundwater. There is a risk that if buildings are constructed and springs surface, then home-owners may connect the spring water into the foul drains. This can lead to situations where foul drains become overloaded and this in turn can lead to episodes of foul flooding. Springs can also create a nuisance to road users particularly in freezing conditions.

Owing to the quantity of water emerging in the soil to the west of Beeches Business Park, the applicant was requested to complete trial trenches uphill of where the water is emerging.



7.11.2023 Since making this request, Welsh Water have advised that to establish whether there was a leak in the main, the water main was isolated but the rate of flow into the soil remained constant - it was concluded that there is no water leak here.

The applicant has advised that they have rodded the spring pipe to determine it's alignment. The applicant has made the judgement that the pipe appears to receive flow from Beeches Business Park and has suggested that there is no need to consider the discharge.

In September 2023, BBLP interviewed the Tenant Farmer. The family have been tenant farmers since 1896. The Tenant Farmer was born in Hereford and has always lived in Huntington. He advised that the spring water used to be used for domestic supplies at several properties. There were 2 boreholes. Traces of sewage were found in the supply and so a mains water supply was then provided.

The resident at Newcourt Farm has been living there 27 years. He advised that the spring water never stops and has always been flowing.

We conclude that the spring water (i.e. Not a leaking pipe) needs to be considered in the layout of the site. This brings several issues that have not been considered by the applicant.: -

- The Indicative Surface Water Drainage Plan P07 shows a yellow line (the existing groundwater culvert) passing into the boundary of Newcourt Farm. The culvert is shown passing below the proposed swale and below the proposed highway. There are no details showing who would own this asset and no proposals that may demonstrate that the spring water can be successfully isolated from the swale for the lifetime of the development. A maintenance strategy would also be required.
- The spring water flows via a culvert system through Newcourt Farm and currently discharges into a ditch to the east of St Mary Magdalene church. If the spring were diverted, then applicant would be aware of any environmental issues associated with removing the base flow to the ditch. It may be feasible to divert the spring water but if so this ditch would no longer receive a base flow.

The applicant has proposed diverting water from the swale into a ditch that would run east of Newcourt Farm.

13.8.2024 Following a site meeting and subsequent discussions the applicant has accepted that the spring water needs to be accommodated within the development. It has also been agreed that a decision on how this water may be drained across the site will be made at Reserved Matters stage

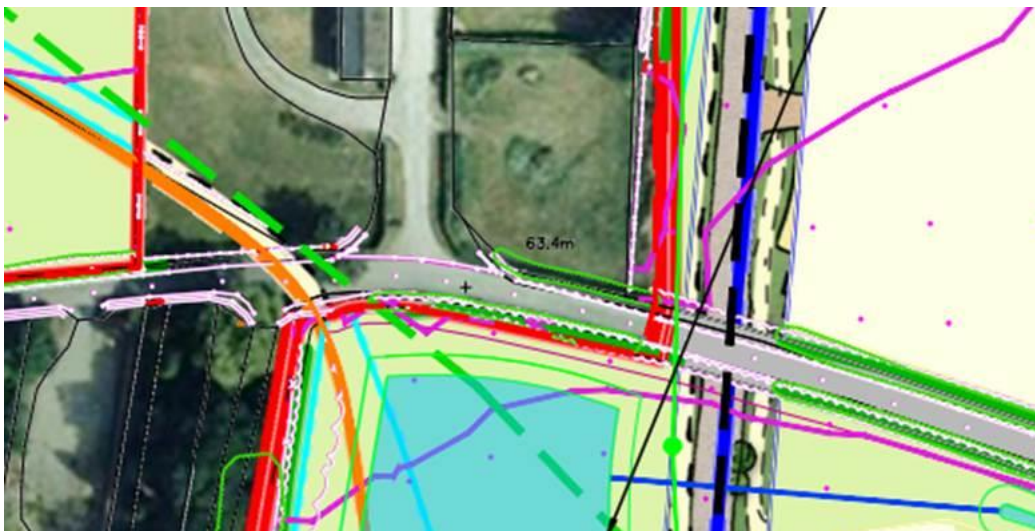
The resident at Newcourt Farm has identified the presence of their own foul drainage infrastructure within the field owned by the Church Commissioners. Reports indicate that the property deeds allow for the provision of a septic tank and spreaders on this land. We understand that the resident of Newcourt Farm has re-routed foul drainage from the same location as the old septic tank, to a new package treatment plant in their front garden. Any proposals regarding new surface water drainage infrastructure will need to consider future arrangements for the foul drainage infrastructure that serves Newcourt Farm

7.11.2023 The applicant has advised as follows (email 2.11.2023)

“In terms of foul drainage infrastructure at Newcourt Farm, it should be noted that the final location and dimensions of the proposed drainage are subject to further design at the detailed design / reserved matters stage. We consider that the detail of this could be secured by condition with reference to the need to undertake the required surveys to confirm the location of the foul infrastructure prior to undertaking detailed design. “

The proposals for a ditch to the east of Newcourt Farm are acceptable. However, the presence of private foul infrastructure could lead to the ditch needing to be aligned on a different route to shown on the Indicative Surface Water Drainage Plan P07. The alignment of the proposed site road may therefore need to be altered at reserved matters stage.

The revised drawing shows a short highway culvert installed between the proposed swale and the ditch. The applicant will need to consider the depth of any ditch and the size of this culvert, noting the requirements of the Culvert Design Guide. The 100 year + Climate change design flow needs to be established to confirm flow capacity requirements are met. Security screens present a risk of blockage and so should be designed out. If a short section of culvert is proposed, then it may be possible to avoid installing security screens at both the inlet and outlet, by following the respective design guidance. Through careful design it may be possible to eliminate the need for such screens. Twin culverts are not preferred as one culvert will tend to block. Further clarity on these proposals is needed.



Balancing Pond B2 appears to be proposed over the top of an abandoned DCWW water main. Permission would be required from DCWW regarding removal of this apparatus. The size of the easement alongside the strategic DCWW water main west of Balancing Pond B2 should be shown on the layout plan.

7.11.2023. The water main is labelled as abandoned, but still remains a DCWW asset. Abandoned water mains remain valuable assets. In some cases, it is viable to return abandoned water mains into service. The water companies sometimes use the abandoned mains as sheaths (inserting new foul or clean water pressure mains inside them) thus avoiding the need to excavate when they install new assets. The water companies would have the rights to allow other utility companies to utilise the redundant mains.

13.8.2024 The applicant has approached DCWW regarding the possibility of removing sections of the abandoned water main. DCWW have no objections to this proposal.

Measures need to be taken at an early stage in the design, to ensure that the land drainage and the SuDS are kept separate. The ditch (referred to above) could overflow onto Huntington Lane and then water could spill into balancing pond B2. Road levels along the lane and kerbing need to be considered.

To ensure that there is sufficient space on the verge, a cross section is required across the verge that shows the depth of the highway culvert below Huntington Lane. This cross section may be provided at Reserved Matters stage.

7.11.2023 Under the latest proposals the culvert alongside the balancing pond has been replaced as a swale. The length of the highway culvert has been considered so that where ground levels are lower (i.e. where land drainage cannot flow into the pond) the drainage system can revert to open ditch, or swale.

Pond B2 is located very close to the swale. The swale is shown crossing over the top of the culvert that links Ponds B2 and B3. We have considered these issues and recognise that there is scope to reposition Pond B2 to reduce the risk of water draining into the attenuation feature. If the footpath were diverted, then it would be possible to move Pond B2 to the west. Accordingly, this would create a wider corridor to install the swale alongside the highway.

The applicant will need to recognise that there is a risk that the footpath may need to be diverted, which may require Secretary of Stage approval.

The owners of the respective drainage assets should be defined. For an application of this size we would expect any culverts below public highways to be presented to Herefordshire Highways for adoption. This process would require an AIP (Approval In Principle) regarding the proposed civil design.

We note that the ponds are all designed with “300mm freeboard levels” set at the same level as “minimum earthworks plateau levels”. Please refer to the Herefordshire SuDS Handbook page 48. The purpose of the freeboard is to account for setting out errors and settlement.

Conversely civil engineering structures such as concrete weirs within manholes can be installed with more refined levels of accuracy than spillways from ponds. If a concrete weir is proposed, then the manhole cover will need to be much higher than the surrounding land.

As explained in the handbook if a weir is installed on the edge of the pond then the “minimum earthworks plateau level” would need to be around 200mm higher than the “300mm freeboard level”. The exceedance route from the weir would also need to be shown.

If the concrete weir is installed in a manhole then the pipeline would need to be designed for a blocked hydrobrake. Large pipes may require security screens and so this option may be impractical for a large site such as this.

We note that ponds B1 B2 and B3 will be in POS. If Pond B1 overflows, then water will spill onto Huntington Lane. We note the proposals for ponds B1 B2 and B3 to spill at the same level. It should be possible to install weirs on ponds B2 and B3 and raise up ground levels around pond B1. If a concrete weir is proposed in a manhole then a similar arrangement could be made. At Reserved Matters stage we will request clarity on these proposals and confirmation that there is sufficient space around Pond B1 to raise ground levels.

Owing to the implications associated with incorrect construction, a condition will be imposed requesting the provision of an as-built survey of the balancing ponds and ditches to ensure that the assets have been installed correctly.

Culverts are proposed between Ponds B1, B2 and B3. Through adequate design the culverts need to be selected to ensure that there is no likelihood of the culverts blocking. The culverts need to be designed assuming that fly tipping could occur, leading to a blockage. We request clarity on the size of the proposed culverts. Only the sections of watercourse below the highways should be culverted and the remaining lengths left as open sections.

Pond A needs to be designed to ensure that the Minimum Earthworks Plateau Level is high enough to prevent a spillage route occurring into properties in Huntington. The Plateau Level should be no higher than existing ground levels. The alignment of the overflow needs to be considered by the applicant and shown on drawings.

We note that ponds would only fill during periods of heavy rainfall and only for short periods. There is a small risk that groundwater may track through the ground to lower land. The land south of Pond A is slightly lower than the base of the proposed pond.

The Geosmart report highlights the need to consider the likelihood of runoff from the steepened ground sides at the sides of the ponds affecting downhill properties. This issue needs to be considered by the applicant.

We note the proposals to install the ponds with inverts respecting the guidance presented by the Environment Agency, noting that the SPZs may alter.

Detailed drainage drawings and calculations will be required to support the planning application. This will need to include cross sections through the proposed attenuation features that also demonstrate inclusion of 300mm freeboard above the 1 in 100 year + CC 'Design' event flood level and an overflow to manage flows in the event of outfall blockage (refer to Section 8.8 of the Herefordshire SuDS Handbook). The 'Test' scenario also needs to be checked with no requirement for freeboard. These dimensions need to be established at an early stage in the design process.

We note that no attenuation features that will store surface water up to the 1 in 100 year + CC event (including public open space etc) are located within areas predicted to be at risk of fluvial flooding during the 1 in 100 year + 37%CC event without inclusion of the Yazor Brook FAS. We note that Appendix F (Revision 7.0) also contains a simulation of the 1 in 100 year + 37%CC event with inclusion of the Yazor Brook FAS.

The above scenarios are the Non Defended simulations. Under previous commentary there was a requirement for a Defended scenario based on more intense rainstorms. This relates to the 1 in 1000 year and 1 in 100 year + 80%CC event taking the Yazor Brook FAS into consideration. These latter scenarios have not been modelled, but could form a part of the Reserved Matter application.

In our earlier comments we made specific references to the respective levels of elements of the drainage system. These issues were highlighted because there is a risk that during floods, water will deplete some of the available attenuation storage within the attenuation basins. The available level data presented as part of this outline submission suggests that flood levels will be lower than the basin inverts.

The available data suggests that the outfall to the watercourse can be in excess of 300mm above the bed level. A minimum of 300mm head upstream of the hydrobrake (if proposed) is also likely to be required to achieve the required hydrobrake performance (consequently the start of the outlet pipeline needs to be 300mm below the basin base level).

We note that there are proposals to maintain the site drainage under private ownership. It is noted that under such an arrangement the highways could not be adopted by Herefordshire Council.

We note that there are proposals to ensure water cleanliness, this principle is highlighted particularly by the Environment Agency. However earlier iterations of the Surface Water strategy include reference to below ground storage, we encourage the applicant to utilise green SuDS across the site.

We note that permeable paving (tanked) has been promoted although we are unclear how this would be used unless the Till has some permeability. We note the commitment to complete further infiltration testing, during detailed design.

The Environment Agency have made reference to the provision of traditional green SuDS as a means to achieve this aspiration. Our own approach with oil interceptors differs slightly to that of the Environment Agency, we could consider such products suitable for an industrial premises but would agree with the Environment Agency that green SuDS are a specific requirement at a strategic site such as Three Elms.

7.11.2023 At Reserved Matters stage a Flood Flow Paths drawing will be required to illustrate the proposed overland flow routes in the event of exceedance/blockage of the surface water drainage system. Flow routes should follow the roads or public open spaces before discharging to Yazor Brook. We recommend that the Applicant looks to avoid providing an overland flow route that passes between development plots, with preference given to the routing of flows within roads and public open space. We also highlight that overland flow routes that direct runoff to the Yazor Brook should be maintained within the site boundary and should not result in overland flow towards the Yazor Brook. This issue needs to be fully considered at Reserved Matters stage.

### **Foul Water Drainage**

We note proposals for a high specification for the sewerage passing through SPZ1. The applicant has suggested that pumping stations may be required, these would need to be adopted by a water company. Where possible pumping should be avoided.

The foul sewer runs south of the Yazor Brook. There are no indications regarding the proposed connection level, nor the depth of the proposed sewer below the bed of the brook.

At reserved matter stage the applicant clarify the proposals for such works. It may be possible to line newly installed pipework, but lining of small diameter pipework may prove impractical.

### **Conclusion**

Policy HD5 of the Core Strategy requires that the applicant considers opportunities to mitigate flood risk in central Hereford.

Item 9.1.21 reads as follows :-



“The provision of flood plain storage within the site will contribute towards mitigating flood risk arising from Yazor Brook in accordance with Policy 5 of the Local Plan”

However Figure 7-9 of the modelling report clearly shows that there will be a Negligible difference between the simulated flood depths.

Item 4.3.2 reads “No further information pertaining how this policy requirement should be achieved is provided”

Accordingly we clarify as follows :-

The applicant should be made aware that the LLFA are currently promoting a project to inspect the culverted sections of the Yazor Brook within Hereford. This project may lead to the need for remedial works on the culvert system. The cost of the project is unknown, government funding had already been acquired to facilitate the survey work. If this planning application is approved then the LLFA will be seeking to acquire private funding for this scheme.

We recognise that at this stage additional soakaway testing has not been completed. There may be some areas of the site where infiltration into the Till is viable and this issue should be further considered as the design evolves. Where possible measures should be taken to reduce the likelihood of low flows in the Yazor Brook.

We note comments suggesting that the drainage infrastructure will remain privately owned. We urge the applicant to consider developing a design that could allow adoption of the respective drainage features so that future generations of residents can live in a community with roads and other infrastructure maintained by statutory authorities.

As LLFA we hold no objections to the Outline application. At Reserved Matters stage a series of conditions will be required, which will be defined on receipt of the information supporting the Reserved Matters application.

**7.38 Drainage comments February 2023: link to comments**

<https://myaccount.herefordshire.gov.uk/documents?id=0b3c25da-b9b1-11ed-9065-005056ab3a27>

**7.39 Drainage: September 2022: link to comments**

<https://myaccount.herefordshire.gov.uk/documents?id=25fa1049-4ee8-11ed-9061-005056ab11cd>

**7.40 Planning Obligations Manager**

**NHS: Herefordshire Clinical Commissioning group:** June 2024: Previous comments still apply as below: September 2023:

**1.0 Introduction**

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

1.2 I refer to the above planning application and advise that, further to a review of the applicant's submission, and concurrent with a refresh of the ICS Estates Strategy and a

more strategic view of developments, the following comments are with regard to the primary healthcare provision on behalf of Herefordshire & Worcestershire Integrated Care Board (ICB).

## **2.0 Existing Healthcare Position Proximate to the Planning Application Site**

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

## **3.0 Review of Planning Application**

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

## **4.0 Assessment of Development Impact on Existing Healthcare Provision**

- 4.1 The development could generate approximately 840 residents and subsequently increase demand upon existing services.
- 4.2 The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

## **5.0 Healthcare Needs Arising From the Proposed Development**

- 5.1 The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.
- 5.2 The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.
- 5.3 This housing development falls within the boundary of a practice which is a member of the Hereford Primary Care Networks (PCNs) 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 Hereford PCNs for the patients within this vicinity.
- 5.4 The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

<b>Primary Care Network</b>	<b>Additional Population Growth (350 dwellings)<sup>1</sup></b>	<b>Floorspace required to meet growth (m<sup>2</sup>)<sup>2</sup></b>	<b>Capital required to create additional floor space (£)<sup>3</sup></b>
Hereford PCNs	840	57.6	£230,400

### **Notes:**

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m<sup>2</sup> 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 standard m<sup>2</sup> cost multiplier for primary healthcare in the Midlands and East from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£4000/m<sup>2</sup>).

- 5.5 A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be **£230,400**. Payment should be made before the development commences.
- 5.6 Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

## **6.0 Conclusions**

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

## **8. Representations**

### **Parish Council Comments**

#### **8.1 Breinton Parish Council comments: July 2024**

##### **Objection**

Breinton Parish Council wish to raise five key objections on the planning proposal for Three Elms and additional comments on the updates as follows:

1. Herefordshire Council failed to consult with Active Travel England (ATE). Active Travel England is now a statutory consultee on all planning applications for developments equal to or exceeding 150 housing units, 7,500 m<sup>2</sup> of floorspace or an area of 5 hectares. The application is for an initial development of 350 homes and so ATE need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities. The Council should be using this statutory consultee to improve the scope and design of its active travel measures for this application.

2. We believe that the full impact of climate change on the flood zones in city of Hereford should be considered before development is granted. Better sites are available, next to employment zones with rail access and better road access with far less potential impact on the city. The NPPF 2022 site Sequential and Exception tests for developments in Flood Zones should now be

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



applicable given the fact that the site was chosen long before the full impact of climate change was understood. The consultants state it is not required to conduct the Sequential and Exception tests. We believe it is in the best interests of the city and County that these tests should be conducted to avoid litigation. This planning decision looks flawed because better sites are available.

3. This site is also a strategic location for commercial water supplies supporting some 3,000 local jobs that would be threatened if supplies were contaminated during construction or subsequent occupation. We now know it is potentially the worst possible location to build roads and a major phased urban expansion, adjacent to the boreholes that supply at least two key industries. The boreholes abstracting water closest to the proposed site were not included in the hydrological modelling until this latest update. We believe this proposed phased urban expansion is being rushed through planning process at a time when our local planning resources are truly stretched to the limit in terms of staff and capabilities. Proposing development approval with conditions, based on consultants' reports, before the main government agency, the Environment Agency, has completed its hydrological analysis is high risk given the demonstrated lack of reliable technical data on surface and subsurface water flows and the flood levels in the catchment. We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.

4. The proposal includes new access roads and a roundabout to be constructed within 25m of a borehole used to supply local industry. It also includes several water retention ponds with capacity of 1,500m<sup>3</sup> to hold back local surface water from the site and reduce the impact of flooding in Hereford city. If the water bearing gravels are breached during construction, the excavations could contaminate the water resource and lead to closure of the factories that depend on them. We think the known characteristics of ground conditions and the underground river, illustrates this site is not suitable for the proposed phase of development, let alone a larger one.

5. Breinton Parish Council objects to the proposal based on its lack of details for wildlife protection of protected species. There is a need for conditions to be set to protect the known populations of badgers, bats, otters, skylarks, and European eels both during construction and post development. We concur with the objection raised by the County Ecology officer as the application does not demonstrate compliance with Core Strategy SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

#### **Lack of statutory consultation with Active Travel England**

The application is for an initial development of 350 homes and so Active Travel England (ATE) need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities.

This will help improve public health, save people money and reduce harmful emissions. Building in active travel at design stage will also help to avoid big increases in vehicle traffic and reduce the need for costly upgrades to major road junctions or other corrective action in the future.

The outline proposals still show a car centric design to this development with the outline proposals showing low density housing, with an urban sprawl across high grade agricultural land and pose a risk to damaging potable fresh water supplies and flood risk to existing developments below the level of this development.

The council should request the results of a Sequential and Exception tests for this site.

We object to granting outline permission for this site without it passing the current Sequential and Exception tests for developments in Flood Zones. The revised 2022 National Planning Policy Framework and supporting planning practice guidance states these tests are now required for sites affected by surface water and groundwater flooding. This site development has a medium to high risk of flooding the downstream City of Hereford during construction and contaminating the commercial aquifer.

We believe these new tests should be applied after the Environment Agency EA completes its detailed analysis of the hydrological conditions. As of June 2024, the EA had not finished its modelling of the source protection zones including the boreholes adjacent to the proposed new road, roundabout and housing sites. This site, unlike other development sites available, lacks access to the rail network, extends over a complex underground river system, threatens the city commercial aquifer and its selection does not accord with the objectives of the New Local Transport Plan, in terms of developing non-car dependent housing.

The updated flood risk and drainage strategy lacks data and the EA hydrological model Peak flow estimates are derived by Tetra Tech using statistical methods despite a river gauge being in place since 1972. The consultant's latest report states that the data available on flows for the Yazor brook catchment is unreliable and is therefore disregarded. This begs the question why wasn't the data collected with a reliable flow monitor for inclusion in the modelling, instead of discounting the historic data as unreliable? What might the differences be between observed and calculated flows? These are serious technical issues that should be resolved long before the development decisions to avoid catastrophic failure through flooding or contamination of the aquifers.

We find it astonishing that there is limited hydrological data covering the Yazor catchment and that Tetra Tech states, in their latest report, there are no other hydrological studies available for this strategic urban expansion development site, despite the long period of pre-development planning and the inherent risks of development over commercial aquifers supporting around 3,000 jobs in the city.

We must ask these simple questions because the previous consultants' reports on flood levels for this area, submitted to the Council planning office in 2021 excluded data from the extreme flooding conditions experienced in 2019 and 2020. They also excluded the location of key borehole collars used for abstraction. Given the catalogue of omissions of key data in past consultants' reports give us more reason to wait for the official Environment Agency analysis and not rely solely on the consultant's analysis.

The Environment Agency is currently updating its hydrological model and we believe the result should be incorporated in the planning and design process before outline planning permission is granted. It is ludicrous to proceed to detailed design with outline planning approved before the main and most complex hydrological issues facing the development are fully analysed by the Environment Agency, as the official appointed government body.

The detailed site-specific and regional hydrology is still unknown

Breinton Parish Council maintains that a complete and comprehensive hydrological survey is required for the Yazor Brook catchment South of the Roman Road and to the East of Credenhill, prior to further major developments in the northeast of Hereford. The site run off has been re-evaluated with a reduced rate estimated from the site, due to the larger un-developed buffer zone between the Paddocks Housing development in the North. However, the spring and stream, shown on historic maps, (See latest objection by Dr N Gesson), is now interpreted as a broken pipe, by the consultants Tetra Tech. This clearly illustrates the current lack of detailed hydrological understanding of the area.

Ephemeral springs are a local characteristic of the surrounding strata, often confined to pipes by previous landowners. They indicate the presence of numerous underground water courses

following the topography when they surface as springs. We are familiar with many such examples to the south of the proposed site along Breinton ridge.

The complex local geology of the site hosts a major underground river, flowing underneath the site and into the commercial aquifer. This was not clear when site selection was made.

The site is underlain by clays with lenses of gravels deposited at the end of the last ice age. This poses a challenge to engineers because the distribution and thickness of the gravel layers is irregular and unpredictable, even for the most experienced geologists. Excavating retention ponds and the subsurface drainage network will undoubtedly encounter unexpected layers of gravel in the clays. The current array of pits and drill holes used to delineate the subsurface layers across the illustrates a high variability in clay thickness. Design proposals for the retention ponds have already been modified to avoid known areas that could compromise the aquifer. Geophysical surveys are proposed as the next step to identify the lenticular and interfingering gravel deposits as potential hazards.

The ariel extent of the water retention ponds was revised to exclude them from SPZ1 zones, close to the borehole collars, after EA incorporated the boreholes that were previously excluded from the 1992 designated Source Protection Zone (SPZ). The additional constraints on depth of excavations and the need for liners increases the development and maintenance cost and highlights the risk of contaminating the commercial aquifers when developing the site.

The previously revised flood storage set out within the FRA complies with local planning policy HD5 contained within the Herefordshire Local Plan Core Strategy 2011 - 2031, considering the indicative SPZ extents and associated EA excavation constraints. The updated strategy complies with Local Plan Core Strategy 2015, HD5 and EA excavation restraints, but since 2015 our knowledge on the impact of climate change has expanded, especially after the severe flooding in 2019/2020.

The consultants state that development site does not need to pass the sequential and exception tests used to analyse new developments that affect flood zones 2 and 3 because it was approved in the current Core Strategy, but this development strategy is already out of date. Would this site pass the new 2022 tests given the location above commercial aquifers and up stream of our biggest city that already suffers from flooding via this catchment?

We noted the detailed excavation and lining requirements from EA over SPZ2 zones are now incorporated to provide a minimum flood storage of 1,500m<sup>3</sup> within the site to reduce downstream flooding by 50-100mm. This is a small percentage of potential flooding and clearly illustrates that the city can be better protected from future intense flood events by using the broader Three Elms site as a flood retention zone, why are we still proposing to develop it for phased housing development?

The consultants re-stated that the site will require additional flood retention areas at the detailed design stage, when the EA completes modelling of the groundwater (that flows from NW to SE across the site and into the commercial aquifer).

We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.

There is visual evidence of a connection between flows of the Yazor brook and the extent of abstraction from the underlying aquifer when the brook rises or falls sharply despite a complete absence of any rainfall in the surrounding area during summer drought. This fact is not yet recognised by the consultants or reflected in the currently available modelling.

These important design issues should not be left to the late stage of reserved matters. The EA has yet to complete the hydrological modelling. These important engineering and design decisions could impact the surrounding housing estates and the city downstream.

It is time to address the key issues before planning approval, instead of kicking the can down the road.

We have reviewed the latest version of Tetra Tech's Flood Risk Assessment & Drainage Strategy for this site and can confirm our concerns for the protection of the potable water supply from road construction and the necessary mitigation measures, particularly the containment of runoff from road infrastructure during and after construction.

We are pleased to see the construction risks of the proposed new roundabout and access roads within 25m of the boreholes use for water abstraction were recently highlighted by the EH officer comments. This requesting a condition be appended to any approval for the assessment of the risks to the borehole supply including its catchment area during and after construction.

The fact is that the hydrological modelling by the EA is not finalised (including the extent of the SPZ 1 zone from the borehole collars) and therefore the design and construction proposed should not be permitted without the full technical analysis by the appointed government agency.

The latest W Waterman technical update report states:

"Further consideration of the provision of floodplain storage as part of the Proposed Development will be required at the detailed design stage following completion of the EA's ongoing groundwater modelling exercise, as agreed by the EA in previous formal consultation responses. Where possible, further opportunities to provide additional floodplain storage will be explored as part of this first phase of development at the Reserved Matters Stage subject to EA confirmation of the SPZ extents.

It is recognised that future phases of development within the site allocation will also be required to demonstrate the provision of flood storage in compliance with Local Policy therefore additional flood storage over and above the volume outlined in the FRA will be explored as part of the wider site allocation and will contribute towards mitigating downstream flood risk."

The high cost and increasingly complex extent of mitigation measures required speaks volumes for the inadequate nature of this development site upstream of the biggest urban concentration in the county.

Additional comments on air quality and the inadequate wording of the proposed DCWW condition on sustainable drainage in the HRA.

Air quality assessment of the Log Yard log-fired biomass oven for drying firewood in the centre of the site.

EHO ruled unlikely that the oven would unlikely exceed NO<sub>2</sub> and particulate emission requirements. Waterman Group did the report for the Church Commissioners but did not have the emission spec for the installed oven, so they compared two similar ovens emissions using a DEFRA model, based on the height of the building (7m) and the height and diameter of the stack, (8.2m and 0.2m). The simulation tests are run on hourly, daily, and annual mean emissions.

We note that average emissions are stable but emissions peak during start up and shut down of ovens, thus exposing residents to temporary but dangerous fumes and particulates. It was deemed acceptable to run it in the centre of a new housing estate, but will the new residents be happy to buy houses next to an industrial log drying yard? Will the houses east of the yard and downwind be the potential affordable houses, given the variable air quality, if so, is this a future ECO issue?

In the HRA dated June 2024' Para 4.23 page 25 states the following:

In their re-consultation responses received July 2024, DCWW have confirmed their support to dispose of surface water via a sustainable drainage system with the following condition recommended to be attached to an outline planning consent to ensure the hydraulic overload if the public sewerage system is not exceeded:

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

The highlighted text is a condition to assess the potential to dispose of surface and land water by sustainable means. It should state ‘the scheme must enable disposal of surface and land water by sustainable means’

## 8.2 Breinton Parish Council: objection: July 2024

Objection to - Outline Planning application with all matters reserved P222138/O

Land at Three Elms, North-East Quarter To the north-east of Huntington and bounded by Three Elms Road and Roman Road Hereford Herefordshire HR4 7RA

Outline Planning application with all matters reserved, except access, for the first phase of an urban extension comprising up to 350 homes (Use Class C3); and a care home (Use Class C2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works.

Breinton Parish Council wish to raise five key objections on the planning proposal for Three Elms and additional comments on the updates as follows:

1. Herefordshire Council failed to consult with Active Travel England (ATE). Active Travel England is now a statutory consultee on all planning applications for developments equal to or exceeding 150 housing units, 7,500 m<sup>2</sup> of floorspace or an area of 5 hectares. The application is for an initial development of 350 homes and so ATE need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities. The Council should be using this statutory consultee to improve the scope and design of its active travel measures for this application.

2. We believe that the full impact of climate change on the flood zones in city of Hereford should be considered before development is granted. Better sites are available, next to employment zones with rail access and better road access with far less potential impact on the city. The NPPF 2022 site Sequential and Exception tests for developments in Flood Zones should now be applicable given the fact that the site was chosen long before the full impact of climate change was understood. The consultants state it is not required to conduct the Sequential and Exception tests. We believe it is in the best interests of the city and County that these tests should be conducted to avoid litigation. This planning decision looks flawed because better sites are available.

3. This site is also a strategic location for commercial water supplies supporting some 3,000 local jobs that would be threatened if supplies were contaminated during construction or subsequent



occupation. We now know it is potentially the worst possible location to build roads and a major phased urban expansion, adjacent to the boreholes that supply at least two key industries. The boreholes abstracting water closest to the proposed site were not included in the hydrological modelling until this latest update. We believe this proposed phased urban expansion is being rushed through planning process at a time when our local planning resources are truly stretched to the limit in terms of staff and capabilities. Proposing development approval with conditions, based on consultants' reports, before the main government agency, the Environment Agency, has completed its hydrological analysis is high risk given the demonstrated lack of reliable technical data on surface and subsurface water flows and the flood levels in the catchment. We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.

4. The proposal includes new access roads and a roundabout to be constructed within 25m of a borehole used to supply local industry. It also includes several water retention ponds with capacity of 1,500m<sup>3</sup> to hold back local surface water from the site and reduce the impact of flooding in Hereford city. If the water bearing gravels are breached during construction, the excavations could contaminate the water resource and lead to closure of the factories that depend on them. We think the known characteristics of ground conditions and the underground river, illustrates this site is not suitable for the proposed phase of development, let alone a larger one.

5. Breinton Parish Council objects to the proposal based on its lack of details for wildlife protection of protected species. There is a need for conditions to be set to protect the known populations of badgers, bats, otters, skylarks, and European eels both during construction and post development. We concur with the objection raised by the County Ecology officer as the application does not demonstrate compliance with Core Strategy SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

#### **Lack of statutory consultation with Active Travel England**

The application is for an initial development of 350 homes and so Active Travel England (ATE) need to be notified of this current application, particularly as ATE are there to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities.

This will help improve public health, save people money and reduce harmful emissions. Building in active travel at design stage will also help to avoid big increases in vehicle traffic and reduce the need for costly upgrades to major road junctions or other corrective action in the future.

The outline proposals still show a car centric design to this development with the outline proposals showing low density housing, with an urban sprawl across high grade agricultural land and pose a risk to damaging potable fresh water supplies and flood risk to existing developments below the level of this development. The council should request the results of a Sequential and Exception tests for this site.

We object to granting outline permission for this site without it passing the current Sequential and Exception tests for developments in Flood Zones. The revised 2022 National Planning Policy Framework and supporting planning practice guidance states these tests are now required for sites affected by surface water and groundwater flooding. This site development has a medium to high risk of flooding the downstream City of Herford during construction and contaminating the commercial aquifer.

We believe these new tests should be applied after the Environment Agency EA completes its detailed analysis of the hydrological conditions. As of June 2024, the EA had not finished its modelling of the source protection zones including the boreholes adjacent to the proposed new road, roundabout and housing sites. This site, unlike other development sites available, lacks

access to the rail network, extends over a complex underground river system, threatens the city commercial aquifer and its selection does not accord with the objectives of the New Local Transport Plan, in terms of developing non-car dependent housing.

The updated flood risk and drainage strategy lacks data and the EA hydrological model Peak flow estimates are derived by Tetra Tech using statistical methods despite a river gauge being in place since 1972. The consultant's latest report states that the data available on flows for the Yazor brook catchment is unreliable and is therefore disregarded. This begs the question why wasn't the data collected with a reliable flow monitor for inclusion in the modelling, instead of discounting the historic data as unreliable? What might the differences be between observed and calculated flows? These are serious technical issues that should be resolved long before the development decisions to avoid catastrophic failure through flooding or contamination of the aquifers.

We find it astonishing that there is limited hydrological data covering the Yazor catchment and that Tetra Tech states, in their latest report, there are no other hydrological studies available for this strategic urban expansion development site, despite the long period of pre-development planning and the inherent risks of development over commercial aquifers supporting around 3,000 jobs in the city.

We must ask these simple questions because the previous consultants' reports on flood levels for this area, submitted to the Council planning office in 2021 excluded data from the extreme flooding conditions experienced in 2019 and 2020. They also excluded the location of key borehole collars used for abstraction. Given the catalogue of omissions of key data in past consultants' reports give us more reason to wait for the official Environment Agency analysis and not rely solely on the consultant's analysis.

The Environment Agency is currently updating its hydrological model and we believe the results should be incorporated in the planning and design process before outline planning permission is granted. It is ludicrous to proceed to detailed design with outline planning approved before the main and most complex hydrological issues facing the development are fully analysed by the Environment Agency, as the official appointed government body.

The detailed site-specific and regional hydrology is still unknown Breinton Parish Council maintains that a complete and comprehensive hydrological survey is required for the Yazor Brook catchment South of the Roman Road and to the East of Credenhill, prior to further major developments in the northeast of Hereford. The site run off has been re-evaluated with a reduced rate estimated from the site, due to the larger un-developed buffer zone between the Paddocks Housing development in the North. However, the spring and stream, shown on historic maps, (See latest objection by Dr N Gesson), is now interpreted as a broken pipe, by the consultants Tetra Tech. This clearly illustrates the current lack of detailed hydrological understanding of the area.

Ephemeral springs are a local characteristic of the surrounding strata, often confined to pipes by previous landowners. They indicate the presence of numerous underground water courses following the topography when they surface as springs. We are familiar with many such examples to the south of the proposed site along Breinton ridge.

The complex local geology of the site hosts a major underground river, flowing underneath the site and into the commercial aquifer. This was not clear when site selection was made.

The site is underlain by clays with lenses of gravels deposited at the end of the last ice age. This poses a challenge to engineers because the distribution and thickness of the gravel layers is irregular and unpredictable, even for the most experienced geologists. Excavating retention ponds and the subsurface drainage network will undoubtedly encounter unexpected layers of gravel in the clays. The current array of pits and drill holes used to delineate the subsurface layers across the illustrates a high variability in clay thickness. Design proposals for the retention ponds

have already been modified to avoid known areas that could compromise the aquifer. Geophysical surveys are proposed as the next step to identify the lenticular and interfingered gravel deposits as potential hazards.

The ariel extent of the water retention ponds was revised to exclude them from SPZ1 zones, close to the borehole collars, after EA incorporated the boreholes that were previously excluded from the 1992 designated Source Protection Zone (SPZ). The additional constraints on depth of excavations and the need for liners increases the development and maintenance cost and highlights the risk of contaminating the commercial aquifers when developing the site.

The previously revised flood storage set out within the FRA complies with local planning policy HD5 contained within the Herefordshire Local Plan Core Strategy 2011 - 2031, considering the indicative SPZ extents and associated EA excavation constraints. The updated strategy complies with Local Plan Core Strategy 2015, HD5 and EA excavation restraints, but since 2015 our knowledge on the impact of climate change has expanded, especially after the severe flooding in 2019/2020.

The consultants state that development site does not need to pass the sequential and exception tests used to analyse new developments that affect flood zones 2 and 3 because it was approved in the current Core Strategy, but this development strategy is already out of date. Would this site pass the new 2022 tests given the location above commercial aquifers and up stream of our biggest city that already suffers from flooding via this catchment?

We noted the detailed excavation and lining requirements from EA over SPZ2 zones are now incorporated to provide a minimum flood storage of 1,500m<sup>3</sup> within the site to reduce downstream flooding by 50-100mm. This is a small percentage of potential flooding and clearly illustrates that the city can be better protected from future intense flood events by using the broader Three Elms site as a flood retention zone, why are we still proposing to develop it for phased housing development?

The consultants re-stated that the site will require additional flood retention areas at the detailed design stage, when the EA completes modelling of the groundwater (that flows from NW to SE across the site and into the commercial aquifer). We believe that the crucial design of additional flood retention areas should not be left to a later stage in the planning process, and it would be prudent to wait for the EA to complete their hydrological modelling first.

There is visual evidence of a connection between flows of the Yazor brook and the extent of abstraction from the underlying aquifer when the brook rises or falls sharply despite a complete absence of any rainfall in the surrounding area during summer drought. This fact is not yet recognised by the consultants or reflected in the currently available modelling. These important design issues should not be left to the late stage of reserved matters. The EA has yet to complete the hydrological modelling. These important engineering and design decisions could impact the surrounding housing estates and the city downstream. It is time to address the key issues before planning approval, instead of kicking the can down the road.

We have reviewed the latest version of Tetra Tech's Flood Risk Assessment & Drainage Strategy for this site and can confirm our concerns for the protection of the potable water supply from road construction and the necessary mitigation measures, particularly the containment of run off from road infrastructure during and after construction.

We are pleased to see the construction risks of the proposed new roundabout and access roads within 25m of the boreholes use for water abstraction were recently highlighted by the EH officer comments. This requesting a condition be appended to any approval for the assessment of the risks to the borehole supply including its catchment area during and after construction.



The fact is that the hydrological modelling by the EA is not finalised (including the extent of the SPZ 1 zone from the borehole collars) and therefore the design and construction proposed should not be permitted without the full technical analysis by the appointed government agency.

The latest W Waterman technical update report states:

“Further consideration of the provision of floodplain storage as part of the Proposed Development will be required at the detailed design stage following completion of the EA’s ongoing groundwater modelling exercise, as agreed by the EA in previous formal consultation responses. Where possible, further opportunities to provide additional floodplain storage will be explored as part of this first phase of development at the Reserved Matters Stage subject to EA confirmation of the SPZ extents.

It is recognised that future phases of development within the site allocation will also be required to demonstrate the provision of flood storage in compliance with Local Policy therefore additional flood storage over and above the volume outlined in the FRA will be explored as part of the wider site allocation and will contribute towards mitigating downstream flood risk.”

The high cost and increasingly complex extent of mitigation measures required speaks volumes for the inadequate nature of this development site upstream of the biggest urban concentration in the county.

Additional comments on air quality and the inadequate wording of the proposed DCWW condition on sustainable drainage in the HRA.

Air quality assessment of the Log Yard log-fired biomass oven for drying firewood in the centre of the site. EHO ruled unlikely that the oven would unlikely exceed NO<sub>2</sub> and particulate emission requirements. Waterman Group did the report for the Church Commissioners but did not have the emission spec for the installed oven, so they compared two similar ovens emissions using a DEFRA model, based on the height of the building (7m) and the height and diameter of the stack, (8.2m and 0.2m). The simulation tests are run on hourly, daily, and annual mean emissions.

We note that average emissions are stable but emissions peak during start up and shut down of ovens, thus exposing residents to temporary but dangerous fumes and particulates. It was deemed acceptable to run it in the centre of a new housing estate, but will the new residents be happy to buy houses next to an industrial log drying yard? Will the houses east of the yard and downwind be the potential affordable houses, given the variable air quality, if so, is this a future ECO issue?

In the HRA dated June 2024’ Para 4.23 page 25 states the following:

In their re-consultation responses received July 2024, DCWW have confirmed their support to dispose of surface water via a sustainable drainage system with the following condition recommended to be attached to an outline planning consent to ensure the hydraulic overload if the public sewerage system is not exceeded:

“No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. The highlighted text is a condition to assess the potential to dispose of surface and land water by sustainable means. It should state ‘the scheme must enable disposal of surface and land water by sustainable means’

### 8.3 Burghill Parish Council Comments: July 2024

Burghill Parish Council's original concerns still exist

#### 8.4 **Burghill Parish Council Comments comments: September 2023**

Burghill Parish Council have discussed this application at Parish Council meetings and invited representatives from both Lichfields, the Development Consultancy and the Church Commissioners to their July meeting. After the Parish Council meeting on 5th September, they have RESOLVED to OBJECT to this application.

This proposed development was to form an important consideration for the new Local Plan, which is currently on hold. A major part of that plan was to set out policies by which planning applications will be determined, such as infrastructure, environmental issues and in addition allocation of land for housing, employment and other uses.

Therefore, this application has pre-empted the publication of those policies and so the Parish Council cannot see how it can be determined at this time as it is impossible to determine whether the Planning Application meets the various policies e.g., infrastructure, environment etc.

The Planning Application is complex and somewhat opaque with 95 separate documents and a 10-part Design and Access statement. Changes are not tracked from previous versions, so it is hard to see amendments. This makes the consultation process for individuals and local organisations extremely difficult. The proposed development will be within the Yazoo Brook catchment area, an area known to flood. The Planning Application does not satisfy the requirement that it is safe from flood risk and that flood risk is not increased elsewhere.

Transport and access onto the busy Three Elms Road and Roman Road, as these are already busy roads and the additional traffic has not been factored in appropriately. Access to the Roman Road from the Tillington Roads (C1095) is difficult now and will be extremely problematic if the development goes ahead. The proposed access to the development onto the Roman Road, already in many minds considered as the Northern Relief Road is entirely inappropriate being within 75 metres of the newly created access to a new development called the Paddocks. It will impact hugely on traffic flows exiting the Tillington Road from Burghill direction, which is not a minor road as suggested in the application. Pedestrian access is hardly mentioned so how will this be accommodated when currently there is no footway on the Western side of Three Elms Road which is a heavily trafficked road already Infrastructure needs have not been assessed or factored in. This includes schools, NHS services and retail facilities.

These services are already under pressure and there is not the capacity to service the additional homes proposed.

No impact assessment has been carried out to assess the impact of the proposal on surrounding parishes such as Burghill.

The reference to a 'Park and choose' / transport interchange adjacent to Roman Road gets little substantiation. As far as I can see no land appears to be set aside for this purpose. As any bus passengers will know the current 437 service has to back up onto a side access in order to serve residents of the caravan park and then make a hazardous exit onto the Roman Road within 75 metres of another proposed access point.

Burghill Parish Council RESOLVE to OBJECT to this application

#### 8.5 **Hereford City Council Comments: January 2025**

Hereford City Council Planning Committee welcomes the principal of improving safe walking, wheeling and cycling routes associated with this application however has the following comments:

##### **On carriageway cycle route on Tillington Road**

Tillington Road is narrow and carries high volumes of traffic. It is not a suitable location for an on-carriageway cycle route without additional measures to heavily reduce road traffic movements.

The City Council would support a segregated cycle way and footway along Tillington Road to link Three Elms Road to The Roman Road. Given that this is a very narrow road the City Council might support a shared use cycle and pedestrian path as long as this was of appropriate width and was protected from the carriageway.

### **Segregated Cycle/footway along Three Elms Road**

The City Council supports the proposed shared cycleway and footway to the West of Three Elms Road.

The proposed junction with Tillington Road is not safe. Cyclists proceeding from Roman Road along Tillington Road wishing to join the cycle path will have to make a right hand turn short of the road junction and cross the carriageway close to the junction with Tillington Road where car drivers will be accelerating. This indicates a further requirement for an off-road cycle and foot way along Tillington Road.

### **Shared use Cycle/footway along the lower stretch of Three Elms Road**

The City Council supports the creation of cycle/foot infrastructure here but it should be segregated. It will carry very similar levels if not more cyclists and pedestrians than the segregated section to the north.

### **Northern mini-roundabout - Grandstand Road/Three Elms Road junction**

The City Council suggests that the Toucan Crossing to the north of this junction should be segregated into pedestrian and cycle crossings. There should be a segregated cycleway around the corner onto Grandstand Road. Cyclists should be protected when joining the carriageway and delivered on to the on-carriageway cycle route rather than being forced to stop at a T-junction and make a left turn onto Grandstand Road.

The proposed access to the cycle route for cyclists travelling along Grandstand Road towards Three Elms Road is not safe. Cyclists wishing to join the cycle way would have to make a right turn shortly in front of the traffic island. Traffic would be expected to queue frequently here. A better solution would be for the off road cycle route to be extended along Grandstand Road to the junction with Kempton Drive.

### **Huntingdon Lane**

The City Council supports the principle of converting Huntingdon Lane to cycle/foot infrastructure but this should segregate cyclists and pedestrians.

### **Grandstand Road**

The city council objects to the inclusion of a cycle route that is not even marked on the carriageway as part of this proposal. Grandstand Road is only suitable for highly confident cyclists unless significant measures are taken to create segregated cycleways. The proposed traffic calming seems only to related to coloured areas on the carriageway. Raised tables at the coloured locations would be required to reduce traffic speeds.

### **Grandstand Road/Yazor Road junction**

The city council supports the creation of an off-road cycleway along Grandstand Road. However 2m is insufficient width for a shared cycle-pedestrian route.

### **Hurdman Walk**

The city council supports the enhancement of the footway linking Hurdman Walk to Sydney Box Drive to allow cycles but this should be a segregated cycle way and footway.

## **8.6 Hereford City Council: Object October 2023**

Hereford City Council Planning Committee objects to Planning Application 222138. The current infrastructure is not keeping pace with the existing amount of new development in the City or the existing permissions for housing that have not yet been built. This application should be held in abeyance until infrastructure including highways, hospitals and other services are improved.

### **Other Consultee Comments**

#### **8.7 Hereford and Worcester Fire Authority: Updated comments February 2023**

Comment: Fire Service Vehicle access must 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 dwelling houses/Flats.
- Access road to be in accordance with ADB 2019 Vol. 1 Table 13.1

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

#### **8.8 Hereford and Worcester Fire Authority: original comments August 2022**

With regard to the attached consultation letter regarding the planning application detailed - 222138 - Land at Three Elms, North East Quarter, To the north east of Huntington and bounded, by Three Elms Road and Roman Road, Hereford, Herefordshire HR4 7RA -Hereford & Worcester Fire Rescue Service (HWFRS) – Fire Safety department - would make the following comments:

- Fire Service Vehicle access must 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 all dwelling houses/Flats.
- Access road to be in accordance with ADB 2019 Vol. 1 Table 13.1
- Water for firefighting purposes should be provided in accordance with: ' National guidance document on the provision of water for fire - fighting'.
- Both of the above & any other Building Regulations matters will be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure requirements of the Building Regulations (2010) are satisfied.

I would like it noted that my comments relate only to the general site layout and accessibility for fire appliances and that others in HWFRS may look at different areas where the new proposals may have a potential impact. They may wish to comment separately on these issues

#### **8.9 Open Space Society: Jan 2023: no objection**

Full transcript of comments see below:

<https://myaccount.herefordshire.gov.uk/documents?id=aa8f1e4a-a63e-11ed-9064-005056ab3a27>

## **Other Representations**

### **8.10 Civic Society: December 2024 and January 2025**

The Civic Society's comments relate to the current reconsultation concerning material submitted in December 2024 which seeks to address the concern that the proposed Three Elms housing development will adversely affect the transport network by imposing additional motor traffic on local roads.

Generally, the proposals put forward by the applicant are not considered to produce viable active travel options for most people and will therefore fail in the objective of relieving traffic congestion and the additional pressure of the proposed development.

Generally, the scheme proposal is not sufficiently integrated, logical, safe, continuous and direct and therefore does not meet the requirements of the Governments LTN 1/20 cycle standard.

The scheme proposals rely heavily on shared use two-way paths, most of which are of insufficient width for LTN 1/20 compliance (as little as 2m on part of Grandstand Road). Cycling and walking should be segregated especially in a road environment (less important for off road tracks). This must be addressed.

The scheme proposals fail to adequately address vehicle speeds, assessed as the single most important issue for modal shift to active forms. There is the suggestion of 20mph roundels in the proposals, but these need to be supported by an area wide 20mph TRO to be effective. The current administration on Herefordshire Council are known to be against this, but taken purely as a matter of evidence-based highway planning, there is a strong case for area wide 20mph across these residential areas as part of the scheme.

Improvements to the proposed scheme should include the use of continuous Copenhagen pavement/ cycle routes. The scheme as currently proposed shows them as interrupted by side roads, even very minor ones, in numerous places. Uninterrupted pavement/ cycle routes are an important tool to traffic calming and supporting walking and cycling.

Improvements should also include the use of cyclops junctions and Dutch-style roundabouts, the latter perhaps most appropriately applied to the Whitecross Roundabout. I attach the Civic Society proposed scheme for this of January 2023 which should inform the scheme subsequently suggested by Pe11 Frischmann (drawing no 105572-T-007 Rev G). Note that the cross at the centre of this island is a scheduled ancient monument and therefore we should take a more imaginative approach to the redesign so as to do justice to its protection and setting.

The much more people-focussed scheme from the Civic Society achieves this better than the Pe11 Frischmann one does.

The scheme proposal must address its missing links. A cycle/ pedestrian scheme which falls apart when it reaches a dangerous road or junction is a wasted investment. A particular missing link is between the A4103 Roman Road and the A41 10 Three Elms Road. These are joined by Tillington Road but this is unsafe for walking and cycling, so this needs to be addressed.

The scheme proposal needs to fully address Three Elms and Grandstand Roads so that cyclists are not expected to revert to the vehicle carriageway unprotected as this will not be safe and acceptable for families, children and older people. This may require taking back some space from cars

A fully inclusive approach to the scheme needs to be taken, not one just for fit and confident cyclists. This is a requirement of the Local Authority arising from the Equalities Act 2010 because



a scheme which discriminates against the aged or infirm would be a failure of its public sector equality duty.

I note that in the applicants overview plan, much of Kings Acre Road and part of Whitecross Road have been included in the blue line area, yet no scheme proposals have come forward for either. His needs to be addressed. I attach the Civic Societys scheme proposal for Whitecross Road

It is important to view cycling as a viable everyday transport option for everyone and not just a leisure activity for a few. This planning application should be determined accordingly. The Society recommends refusal or withdrawal. We would encourage an improved scheme to come forward which must, at minimum, be LTN 1/20 compliant.

### 8.11 3<sup>rd</sup> Party representation

#### **In response to publicity (Hereford Times) and display of site notices: 5 Rounds of Public Consultation.**

Several hundred representations have been received during the processing of this application which raise a range of concerns, summarized below. Over 200 public comments are registered for this application, the vast majority of which object to the proposal (194). Submissions letters on behalf of resident groups/areas and other organisations, template/identical letters, as well as individual submissions of concern.

As noted in the applicants Statement of Community Involvement considerable public engagement was undertaken by the applicant prior to submission of their planning application and additional public engagement has taken place subsequently during the application stage.

All of the comments have been made available on the planning website separately, and should be read in full, but the main comments and concerns raised are summarised as follows:

The matters raised are summarised as follows:

#### **Transport/Access**

- Western Bypass has been 'scrapped'. Creation of Enterprise Zone more traffic
- Western Bypass/relief road has been abandoned. Only one river crossing
- Provision for cycling and bus routes are barely existent
- Provide more buses/low fares
- Houses need to have 2 minimum of car spaces
- Pressure on Tillington Road/Roman Road, Kings Acre Road
- Why isn't the bypass part of this application? Need new bridge over river
- Without bypass traffic will overwhelm the current road network
- Two new exit points onto busy roads, Roman Road and Three Elms Road & Mini roundabout by Doctors Surgery.
- Traffic is already ridiculous on Three Elms/Roman Road – Add several hundred more cars. Existing roads already extremely congested.
- Existing housing developments already under construction increase in traffic
- Three junctions in a short distance
- Additional traffic and park & choose interchange will worsen congestion on Kings Acre road .Proposed access points must be rigorously assessed for safety
- One of the roads in front of the cul de sac on Three Elms
- Local roads will be totally blocked morning and evening
- Suggested access into Roman Road 60mph. Dangerous
- Cycle paths make no impact on traffic
- Existing junctions dangerous
- Justification for another park and choose site?. Regular service? Hours of use?

- Introduce traffic calming measures
- Loss of Huntingdon lane, well used cut through and this will force cars onto already congested roads. Gridlock.
- 40mph too high
- HGV deliveries to Newcourt Farm?
- Closure of Huntingdon land. No consult with residents. Use of the church?
- Need A more sustainable solution to transport within the City before housing built
- Three Elms to further increase traffic problems at existing "bottlenecks" of Whitecross Roundabout, Roman Rd and Holmer Road roundabout.

#### **PROW:**

- No changes affecting the Public Rights of Way in adverse way

#### **Environment**

- Will have ongoing environmental impacts on local area
- Phosphate pollution – should not add more phosphate to River Wye from Yazor Brook
- Loss of open space/green fields/trees/hedgerows and habitats. Detriment to Hereford city
- Give us a 'country park' and green walk way this side of the city
- Loss of wildlife
- LD2 Biodiversity and Geodiversity - The scheme does little to conserve, restore or enhance biodiversity and geodiversity assets in this locality.
- Need to keep existing green spaces not an AONB but valued local green space
- Loss of countryside/loss of agricultural land instead of regenerating brownfield sites
- Use empty shops and buildings, existing run down areas
- It's on good agricultural land/need land to grow food/supporting local/national economy. Loss of prime agricultural land.
- Wildlife habitats being destroyed/deer and Canada Geese on fields
- The area in question is green belt
- Air pollution due to large levels of traffic
- Huntingdon Lane area is a bio-diverse ecosystem: flora and fauna.
- Unspoilt countryside criss-crossed with ancient footpaths.
- Herefordshire is arguably the last remaining properly rural county in the southern half of England and relies on the maintenance of open countryside for its long-term economic prosperity
- Valuable green space used for dog walking and running
- SS6 in that it does not conserve and enhance environmental assets nor contribute to the County's distinctiveness, in particular settlement patterns, landscape biodiversity, and heritage assets in the vicinity of Huntington and the Conservation Area.
- Existing ponds have wildlife: Huntington
- Pest control
- Tree officer needs to TPO trees
- Long term change to the character of the area

#### **Water Environment**

- Surface Water Maps (produced by the EA) do not accurately reflect the level of surface water flooding in the Three Elms area.
- On a flood plain. What happens when floods
- NPPF is clear that development should not be built on areas of high flood risk unless there are no suitable alternative sites and the development is made safe for its lifetime without increasing flood risk elsewhere.
- Water table below the land. Fields flood due to high water table



- New spring already emerged on site. Not mentioned in application. Will more springs pop up?
- The need for 8 attenuation ponds. Health and safety risks
- Flood Risk Assessment needs to be updated following the update to the EA flood maps (March 2025). Exception/Sequential Tests to be undertaken.
- Grade 3 Flood Risk. Greater flood risk due to nature of the geology
- Will this development cause further flood risk to Huntingdon hamlet, Three Elms Road?

### **Ground Source Protection Impact (include a separate subject)**

- Local industrial plants, employers, and taxpayers use the water from this source in their production processes. Large factories/employment may need to relocate. Not good for local economy
- Groundwater in the aquifer below is within a source protection zone – development could compromise the purity of the water.
- Development over a vulnerable commercial aquifer. Site not suitable for development
- Yazor Brook flooded Feb 2020. The flood risk in could increase in Huntington hamlet.
- Increase Surface water run off into the Yazor Brook
- Any adverse effect on the hydrology in this location plan have implications for its entire length
- Proposed houses will be at risk of flooding, as well as properties in Huntington Hamlet, Three Elms road and properties further downstream of Yazor Brook
- Environment agency should revisit the SPZ zone and extend it further north
- Climate crisis – Yazor Brook will flood
- Further building will exacerbate flooding
- SD4 Waste Water Treatment and River Water Quality - The development will undermine the water quality targets for our rivers within the County and may lead to further problems contrary to the current Water Directives. The current phosphate, nitrate and pollution will be further exacerbated by large scale developments
- Welsh water already cannot treat the effluent from the existing homes in Hereford and the river Wye is paying the consequences
- Tetra Tech Hydrological Risk Assessment Report: concerns raised
- Surface water will compound existing flood levels downstream. (residents and businesses
- SiNC (Site of importance for nature conservation) designated brook,
- Attenuation scheme designed poorly
- The new scheme does not consider the 1 in 100 yr storms
- A new reservoir be more beneficial for biodiversity off-setting impact elsewhere.
- The Hydro geology is complex. Tributaries above and below ground to Yazor Brook that have not been taken into account
- Submission of privately funded survey by 'Geo-Smart'
- Access right for foul drainage on site (Newcourt Farm)
- Commitments needed for long-term maintenance and accountability of the drainage system.

### **Heritage assets**

- Heritage Harm: Huntingdon House and Conservation area
- Conservation area downgraded. Precious asset should be protected and conserved
- New Court should have a protection zone
- No acoustic panels to be erected: conservation area
- Huntington House, Grade II listed property
- Development severely lacks the consideration to the Hamlet, the conservation area and the listed buildings which sit within the Hamlet

- Negative impact on setting of Huntington Conservation Area and listed buildings
- Contrary to policy LD4 and SS6
- LD1 Landscape and Townscape - This scheme does nothing to benefit the
- Conservation Area and adjoining land.

### **Amenity**

- If approved hours of operation during construction to be used
- Increase noise and pollution
- Dust pollution
- Owners of Newcourt: log/joinery business complaints from residents
- Damaging effect on the day to day lives of existing residents:
- Construction inevitably brings noise, dust, and disruption,

### **Infrastructure**

- Northern part of Hereford subjected to development in recent years. The cumulative impact of these projects is placing unsustainable pressure on local infrastructure. Traffic congestion is already a major problem, and a development of this size would only worsen the situation.
- School Places: Secondary and Primary
- Hospitals busting at seams. Demand on NHS: Drs and dentist
- Lack of public bus services
- Infrastructure needs addressing first
- Not enough water, gas, electricity
- Roads at breaking point
- Infrastructure can't cope
- Enhance the health and wellbeing of the new estate residents by building a flood
- Retention zone on the floodplain west of Hereford city to protect residents from
- Extreme flood events.
- Provide a natural habitat via S106 funds
- Funding for infrastructure can be secure on this development
- Developers should provide free bus fares for 10 years
- Future liabilities passes onto householders but who responsible for issues arising from floods and contamination downstream. Increase in council tax?
- Housing is welcomed but developers need to be held responsible for increases on local infrastructure.
- Provision of a car club
- How will Council fund additional methods of transport
- Will housing be ring fenced for local population especially

### **Other matters**

- No consideration for wider community
- Aircraft safety: 3 landing areas within 13km of site
- How is the scheme financially viable with all the mitigation
- Over development of the site
- Under development of the site due to existing flooding on site
- No one wants this
- Area has had a large number of large development granted recently
  - The Point on Roman Road,
  - Connexus development
  - Bromford Housing Development
  - Canon Pyon Road
- Adverse effect on residential amenity of neighbours

- Noise
- Disturbance
- Overlooking
- Loss of privacy
- The urban footprint of Hereford should not be expanded further.
- Densely packed properties and roads will surround the Hamlet,
- Urban sprawl of over developed, under planned housing estates.
- Not right area to be built on
- Houses won't sell due to economy/interest rates.
- Visitors will not want to visit Hereford due to extra traffic
- Where are the jobs for the people living in the houses
- Houses need to have 'eco accessories' eg solar, rainwater harvesting, heat source pumps. EV charging points needed
- S7 Climate Change - The measures proposed will neither mitigate nor reduce the impact on potential climate change.
- Tons of carbon to build the new houses.
- Dirt pollution from cars
- Loss of view
- To build on it would be detrimental to many peoples mental health and well being
- How will the SUDS and communal areas be managed/maintained
- Lack of essential detail for the surface water in the Yazor Brook catchment. Reports not complete
- Misusing of pavements

#### **Procedural matters**

- Not long enough public consultation for such a large project
- Mitigation only for larger 1200 houses. Proposal should not be piecemeal.
- Who will manage compliance of the CEMP/EMP

#### **8.12 Heineken UK Utd: August 2022**

- Potential impacts on water supply on its production factory (Cider Mills) in Plough Lane
- Comments on mitigation plan:
  - Compliance with agreed excavation strategy
  - Contamination and unexpected contamination condition.
  - CEMP condition
  - Mitigation plan: emergency response plan
  - Surface water and foul water conditions
  - Fluvial flood condition
  - pesticides
- No objection subject
  - Mitigation plan is secured via planning obligation or condition and additional measures are secured during the application process, planning conditions or planning obligation

#### **8.13 Hereford and District Angling society:**

- Proposal close to Yazor Brook: main nursery and safe haven for juvenile fish and other water life species before entering the main river.
- This development: Massive threat of pollution surrounding the water source, leading to a river already under immense pressure from pollution.
- Concern about huge amount of extra sewage that already overloaded sewage works will have to deal with
- Extra household waste, extra pressure flooding brings to drains and pipes (ancient not fit for purpose).
- More pollution, sewage, water into the brook and river.

The consultation responses can be viewed on the Council's website by using the following link:- [Planning Application Details - Herefordshire Council](#)

## 9. Officer's Appraisal

### Policy context

9.1 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."

9.2 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).

9.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case the relevant policies of the Core Strategy have been reviewed and are considered generally consistent with the NPPF with regards to promoting sustainable types and patterns of development. As such, it is considered that they can still be attributed significant weight.

9.4 The Council is currently in the process of preparing a new local plan. A draft was published in the March 2024 for Regulation 18 consultation. Following the changes to the NPPF made at national level in December 2024 however, the Council decided to cease further work on the Draft Regulation 18 Local Plan because a new spatial strategy is required to address the significant uplift in housing growth. The council will now progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan under the new plan making system has yet been published. As such, there is no emerging plan to which any weight can currently be attributed.

9.5 The NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development as set out at Paragraph 11 of the NPPF. This states that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies or the most relevant policies are considered to be 'out-of-date', then the presumption in favour of sustainable development as set out by Paragraph 11 d) ('the tilted balance') is engaged. This means that planning permission should be granted, unless:

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 9.6 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five-year supply of housing land. The current supply figure in the county is 3.11 years (April 2025). The relevant policies of the development plan should therefore be regarded as being 'out of date' and the positive presumption as set out at Paragraph 11 d) is engaged.
- 9.7 All other policies within the Core Strategy as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making. The National Planning Policy Framework and Planning Practice Guidance are also material considerations, alongside specific topic based technical guidance and documentation.

### **Principle of development**

- 9.8 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.
- 9.9 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 focus for housing development. Outside Hereford, the focus for residential development is within the market towns.
- 9.10 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.
- 9.11 Policy HD5 (Western Urban Expansion (Three Elms)) of the Core Strategy identifies that the site as a sustainable urban expansion area for a minimum of 1000 homes at an average density of up to 35 dwellings per hectare and comprising a mix of open-market and affordable provision.
- 9.12 The policy advises that the development should include, but not be limited to the following;
- a minimum of 1,000 homes, at an average density of up to 35 dwellings per
  - hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;
  - a target of 35% of the total number of dwellings shall be affordable housing;
  - delivery of land and infrastructure to facilitate the construction of the adjoining phase of the Hereford Relief Road;
  - a minimum of 10 hectares of employment land, comprising predominantly of a mixture of use class B1, B2 and B8 located near to the new livestock market with access to the Hereford Relief Road and Roman Road;
  - land and infrastructure for Park & Choose facilities;
  - a new linear park along the Yazor Brook corridor connecting with the existing green infrastructure links east of the expansion area, the public rights of way network within and adjoining the expansion area and informal recreation space;
  - a series of new green infrastructure connections which enhance the biodiversity value of the area and also serve as pedestrian cycle links through the development, including optimising the use of the disused railway line to connect with the transport interchange, schools, community facilities, employment land and the remainder of the city;
  - provision for new bus links through the expansion area;

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

- development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and contributes to the distinctiveness of the site and surrounding environment;
  - the provision on site of appropriate sports and play facilities, formal and informal open space, community orchards, woodland planting and allotments;
  - integration of Huntington village into the development area in a way which respects, protects, conserves and, where possible, enhances the setting of the Conservation Area and heritage assets;
  - 210 primary school places and where appropriate contributions towards new pre-school facilities;
  - an extension of Whitecross High School to increase capacity from a 6 form entry to 7 form entry school, with commensurate school playing field provision;
  - a neighbourhood community hub to meet any identified need for small scale convenience retail, community meeting space, health provision, indoor sports and other community infrastructure/facilities where appropriate;
  - sustainable urban drainage and flood mitigation solutions to form an integral part of the green infrastructure network;
  - opportunities to mitigate flood risk arising from Yazor Brook for existing residents and businesses within the city; and
  - sustainable standards of design and construction.
- 9.13 The proposal forms part of the 'Western Urban Expansion area' as identified within Policy HD5. The application site has been submitted as the first phase of the wider allocated site which is also within the applicant's ownership.
- 9.14 As such, the principle of housing delivery at this site is to be accepted as the site is located in a sustainable location as per NPPF Paras 61-71 and even though as it for a first phase of development it is not fully compliant with the aforementioned policy. The proposal is in line with policy SS2 which relate to the development of housing and Hereford is located as a focus for sustainable housing growth and plays an important part in meeting the target housing growth for the city and county as well as being in line with Policy HD5 which states within the Appendix 5 that up to 580 dwellings can be delivered as a phase 1 development ahead of the Hereford Bypass as part of an allocated site.
- 9.15 It is necessary however to determine the extent to which the proposal is also capable of complying with other relevant development plan policies.
- 9.16 The report therefore considers the following key planning issues relevant in the assessment of this application and they are as follows and in no particular order of importance):
- Access, highway safety and connectivity
  - Landscape and visual impact
  - Heritage Assets and Historic Environment
  - Biodiversity and Ecology and HRA
  - Design, layout and impact on residential amenity
    - Air Quality
    - Noise and Disturbance
  - Contaminated Land
  - Public open space/ Open Space provision
  - Flood Risk and Water Management
  - Affordable Housing / Housing Mix
  - Minerals and Waste:
  - Loss of Agriculturally Productive Land
  - Section 106 Planning Obligations
  - Education, Community Facilities and Employment

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



- Other matters

- 9.17 This planning application, which forms a large part of the strategic allocation HD5, includes the main development components which are required by HD5 to facilitate a comprehensive scheme to be delivered across the developable area within the strategic allocation allowing for infrastructure to be planned comprehensively in accordance with the requirements of the site specific Policy HD5.
- 9.18 Officers consider that the application proposals address the strategic ambition of policy HD5 in accordance with the adopted Development Plan.
- 9.19 In terms of the decision making context for the proposed development, legislation requires that the application is to be determined in accordance with the Development Plan unless material considerations indicate otherwise with the application being assessed on its own merits. As advised this Outline application is accompanied by an Environmental Statement (ES) which details the environmental effects of the proposal and suggested mitigation where required. Officers are satisfied that the ES provides a comprehensive assessment of the significant environmental effects likely to arise as a result of this development by virtue of its size, nature or location and the cumulative effects with other developments in the locality during and beyond the construction and operation of the proposed development. Mitigation measures have been identified that aim to bring environmental impacts to an acceptable level and the mitigation can if necessary be secured either through the imposition of planning conditions or as obligations in a S106 Agreement. Officers can confirm that the environmental information submitted with this application has been taken into account as part of the consideration of this application and in terms of formulating the officer recommendation, overall, the level of environmental assessment that has been carried out is considered to have been comprehensive and proportionate in terms of the scale and nature of the proposed development.
- 9.20 The principle of residential development is therefore considered acceptable, however as the latest published 5 year housing land supply figure is 3.11 years (April 2025) for housing land supply. As such, paragraph 11d of the NPPF is therefore engaged which states: where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 9.21 The overall planning balance is undertaken at the end of the report.

### **Access, Highway Safety and Connectivity**

- 9.22 As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 'Access' refers to the accessibility to and within the site for vehicles, cycles, and pedestrians, including the positioning and treatment of access and circulation routes and how these integrate with the surrounding access network.
- 9.23 Core Strategy Policy MT1 requires development proposals to demonstrate that both strategic and local highway networks can accommodate the traffic impacts of a development without adversely affecting the safe and efficient flow of traffic, or that such impacts can be managed to acceptable levels through mitigation. Developments must also ensure safe entrance and exit, and provide appropriate operational and manoeuvring space.

- 9:24 The National Planning Policy Framework (NPPF 2024) emphasizes the need for developments to offer genuine choice in movement. Core Strategy Policy SS4 similarly requires developments to minimise impacts on the transport network.
- 9:25 Policy HD5 further supports transport provision through the delivery of:
- Land and infrastructure to facilitate the construction of the Hereford Relief Road;
  - Land and infrastructure for Park & Choose facilities;
  - Pedestrian and cycle links; and
  - New bus connections through the expansion area.
- 9:26 Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or if residual cumulative impacts on the road network, after mitigation, would be severe. Paragraph 112 advises that maximum parking standards should only be applied where there is clear and compelling justification for managing the local road network.
- 9:27 This Environmental Statement (ES) submission includes chapters and updated chapters on the Transport Assessment, addendums, technical notes, a full Travel Plan, vehicular access drawings, other design drawings, and off-site highway proposals.
- 9:28 The proposal comprises up to 350 dwellings, a care home, and a Park & Choose facility. Access is not reserved for future consideration; therefore, full details of the proposed access are assessed as part of this application. Internal access arrangements are reserved for assessment at the reserved matters stage as part of the 'layout' submission. However, the submitted Framework Plan demonstrates how the dwellings could be delivered, showing a circular spine street, secondary streets, lanes, and recreational pedestrian and cycle routes.
- 9:29 Phase 1 of the development is considered capable of being delivered in advance of the Hereford Relief Road. This is detailed further in the submitted Planning Statement, with provision on land to the west of the site.

### **Proposed Access Arrangements**

- 9:30 The development will provide new access junctions on Roman Road and Three Elms Road, connecting to the Primary Road Corridor. The Access Parameter Plan (Appendix 2) shows dedicated access to the residential element and integration into the wider transport network. Detailed junction designs have been reviewed by the Local Highway Authority (LHA). Additional pedestrian and cycle access points are proposed. The primary route within the site is designed to accommodate potential future bus movements and to promote safe, slow-moving traffic while discouraging through traffic.
- 9:31 Parking arrangements for residential dwellings, the care home, and the Park & Choose facility will be determined at the reserved matters stage.
- 9:32 The Local Highway Authority (LHA) has confirmed that it no longer objects to this outline planning application. Existing pedestrian and cycle links both within the site and connecting to Three Elms Road and Roman Road will be retained. Public Rights of Way along Yazor Brook, through Huntington, and along Huntington Lane will also be retained, providing green corridor access. The intention to designate a stretch of Huntington Lane within the site as a 'green lane' (restricted byway) allowing non-mechanically propelled vehicles has not been formally proposed as part of this application.
- 9:33 The main vehicular access points to the residential areas and neighbourhood centre will be from Three Elms Road to the east and Roman Road to the north. The proposed junction off Roman Road will be a Ghost Island T-junction, and the Three Elms Road junction a mini-roundabout.

These junctions have been reviewed and confirmed as acceptable by the LHA. Extensive traffic modelling has been submitted and independently reviewed by the LHA.

- 9.34 Following the submission of LHA comments in December, additional dialogue and a site visit were undertaken to secure a deliverable scheme, focusing on safe active travel provision. Over the last months key active travel routes and the roundabout access location have been agreed. The initial junction was considered substandard for pedestrian and cyclist desire lines, and did not fully meet the sustainable travel hierarchy.
- 9.35 To address this, the applicant amended the scheme to include a signal-controlled Toucan pedestrian/cycle crossing adjacent to the proposed mini-roundabout, providing a safe active travel link on the agreed desire line. This, in combination with wider improvements along Grandstand Road towards Widemarsh Common and Hereford city centre, ensures safe, continuous pedestrian and cycle access.
- 9.36 The Three Elms junction now includes a TN 1/20-compliant signal-controlled Toucan crossing. Together with further crossings along Three Elms Road, this provides safe access for all users, including those with mobility impairments, across a high-traffic route. The detailed design will be secured through the Section 278 process, and the scheme has undergone an independent Stage 1 Road Safety Audit, agreed by the LHA.
- 9.37 National and local policy aim to reduce car dependency and promote walking, cycling, and public transport. Policy HD5 supports the provision of Park & Choose facilities, pedestrian and cycle links, and new bus connections, consistent with SS4 and MT1. Additional mitigation measures, secured via a S106 legal agreement, will provide future residents with safe, convenient routes and encourage active travel to key destinations.
- 9.38 Paragraph 109 of the NPPF (2024) requires developments to promote walking, cycling, and public transport. Pedestrian and cycleways are proposed across the site to provide easy access to Hereford city centre and other local services, connecting to the existing transport network. Existing Public Rights of Way will be retained, and new pedestrian and cycle routes are proposed to create a permeable neighbourhood.

#### Proposed Pedestrian and Cycle Routes

- *Informal footways and cycleways*: Simple mown paths through open spaces, with minimal lighting to reduce landscape and wildlife impacts;
- *Formal footways and cycleways*: Hard-surfaced paths along the primary spine road, connecting to Three Elms Road and Roman Road;
- *Marked cycle routes*: Integrated within main carriageways, with exact details determined at reserved matters stage.

#### Off-Site Mitigation and Travel Plans

- 9.39 The no objection from the LHA is dependent on the S106 legal agreement securing essential mitigation for off-site Active Travel improvements along the Grandstand Road Corridor and key connections. Planning conditions will also secure delivery of necessary transport improvements and the full Residential Travel Plan (November 2023), including a Travel Plan for the proposed care home, potential bus stop improvements, and non-motorised user connections
- 9.40 Local residents, groups, and Parish Councils have raised concerns regarding highway network capacity, safety, lack of footpaths, traffic volumes, signal and junction capacity, public transport, and construction traffic. These matters have been considered; the Authority concludes that the development will not create an unacceptable impact on highway safety or severe residual cumulative impacts, in accordance with NPPF paragraph 116.

### Other Highway Matters

- The proposed mini roundabout on Three Elms Road will also act as a traffic calming measure, requiring drivers to slow and consider other vehicles, pedestrians, and cyclists.
- A speed limit reduction to 20 mph is proposed to encourage active travel.

### Conclusion on highway matters

- 9.41 The site is in a sustainable location, with access to local facilities including shops, medical services, and a pub. The NPPF requires developments to take a vision-led approach, prioritising sustainable transport and demonstrating that significant impacts can be cost-effectively mitigated. The proposed Travel Plan and off-site active travel and highways measures, secured through the S106 agreement, ensure compliance with the NPPF.
- 9.42 The Three Elms Road mini-roundabout, Toucan crossings, foot/cycleway improvements, and speed reduction measures support active travel and sustainable movement. The development is considered to provide satisfactory pedestrian and cycle links, facilitate public transport use, and reduce reliance on private vehicles, in accordance with Core Strategy Policies MT1, SS4, and HD5, and NPPF guidance.
- 9.43 The increase in vehicle movements is not expected to adversely affect highway safety or traffic flow, and the proposal achieves safe entrance, exit, and manoeuvring space. Subject to mitigation measures and S106 obligations, the scheme supports sustainable travel and integrates effectively with existing transport infrastructure.

### **Landscape and visual impact**

- 9.44 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.
- 9.45 Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with and connects to the surrounding green infrastructure network.
- 9.46 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that a medium density scheme (35 dwellings per hectare) is acceptable and in line with policy HD5. Policy HD5 also requires the new development to be sensitively integrated into the wider landscape through high design and sustainability standards.
- 9.47 The site comprises of an existing greenfield site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain

listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity, agricultural and food productivity.

- 9.48 'Landscaping' is a matter reserved for future consideration, but it is necessary to consider the impact of the development on the landscape character. It is noted the site is not covered by any landscape designations relating to character or quality excluding heritage designations.
- 9.49 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) within the Submitted Environmental Statement.
- 9.50 As detailed with the LVIA and the landscape officer comments the supporting assessment and definition of local landscape character types across the site and immediate setting demonstrates a clear understanding of the area as well as highlighting the sensitivities for the landscape character types. The submission also depicts mitigation measures which will make sure the proposal is acceptable in landscape and visual impact terms.
- 9.51 Officers agree with the conclusion with the submission that given the considerable scale of the development, there will be temporary changes in landscape character and visual amenity associated with the change from open agricultural land to residential however as highlighted above a suite of suitable mitigation measures will be secured during both the construction phase and once completed.
- 9.52 As confirmed by the landscape officer improvements have been sought during the application duration including an increased buffer zones around Huntington Conservation Area to protect its setting.
- 9.53 In specific reference to trees the application has been reviewed by the Council Tree officer who has confirmed no objection and confirms within their comments that 'this as a good opportunity to extend the Green Infrastructure/Canopy Cover of the city and advised that the proposed tree planting schedule is a well-considered scheme as well as advising that as the planting grows and matures the hard landscaping will be softened and enveloped into the wider landscape. This is in line with the aims of the NPPF in respect to trees, policy LD1 and LD3. The proposal will deliver green spaces as set out in the Parameter plan and will:
- Retain existing network of open spaces along Yazor Brook and enhanced to create a linear green corridor to integrate with the wider green space network in line with Policy HD5
  - Open Space buffer around Huntington to protect its setting
  - A linear buffer proposed along Three Elms Road
  - A number of existing lines of trees and hedgerow to be retained to assist with integration with surrounding landscape.
- 9.54 The submitted Green Infrastructure Parameter plan can be seen within Appendix 4
- 9.55 The detail of the landscaping shall form part of the reserved matters submissions. Landscaping in this Reserved Matters context is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as '*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*



- 9.56 Although, given the sensitivities of the site and highlighted within the Landscape Officer comments, it will be necessary to give very careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage and make careful reference to the reports that support this application. Officers are satisfied that, on the basis of the information provided any future development on the site can be provided 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. A scheme can be delivered that is in accordance with the expectations of Policy SS6, LD1, LD2, LD3 and HD5 of the Core Strategy.

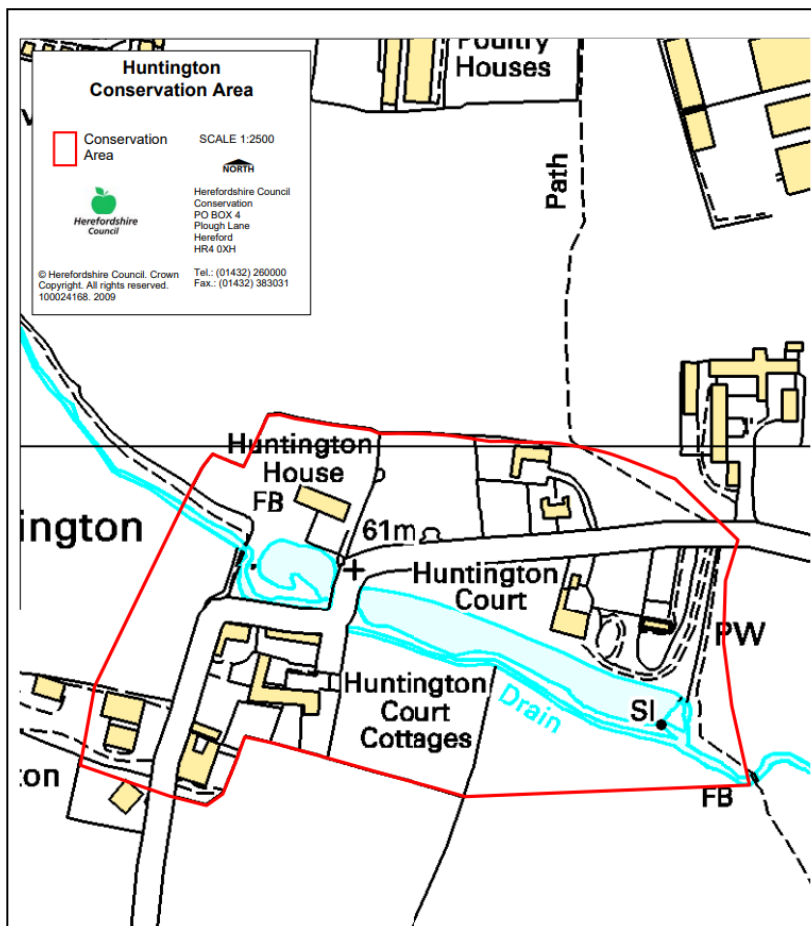
### **Heritage Assets and Historic Environment**

- 9.57 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions. Section 66(1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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."
- 9.58 Section 72 of the act refers to the councils' need to pay special attention to the desirability of preserving or enhancing the character or appearance of and building of land in a Conservation Area in the exercise of their duties.
- 9.59 Paragraph 208 of the NPPF goes on to state that 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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.60 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.
- 9.61 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 9.62 Core Strategy Policy HD5 of the Core Strategy requires that development is expected to provide the integration of Huntington village into the development area in a way which respects, protects, conserves and, where possible, enhances the setting of the Conservation Area and heritage assets.
- 9.63 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 207 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 208 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 210 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.

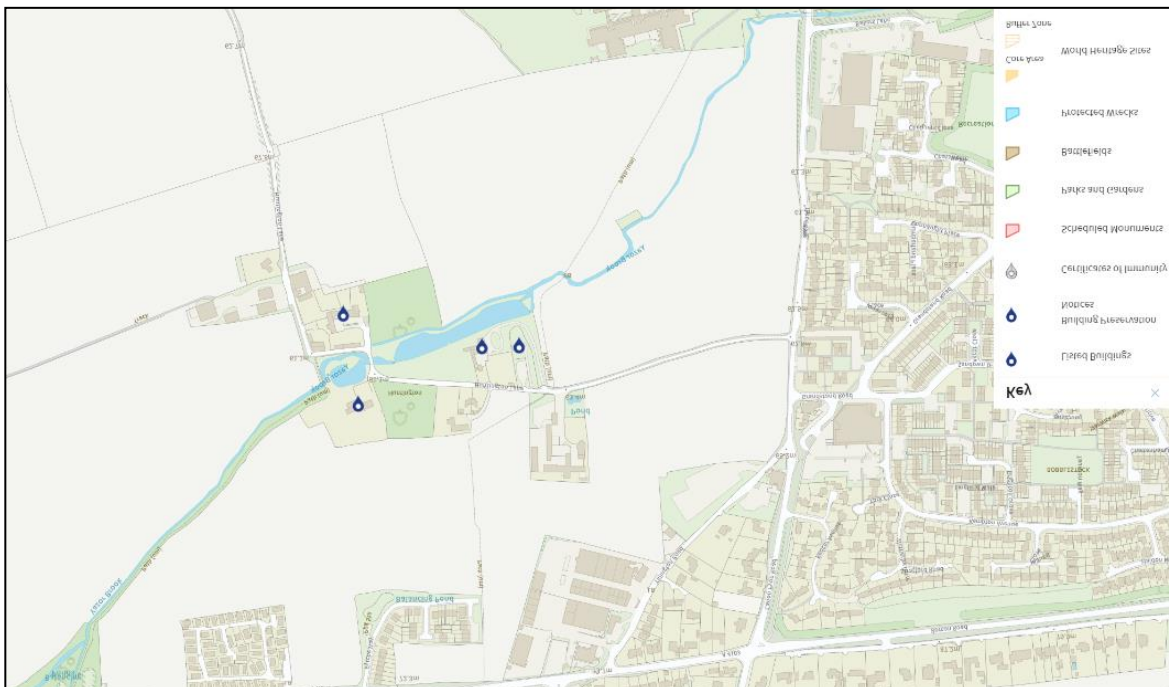
- 9.64 The Framework then goes on to advise as to how to consider potential impacts. Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset is, the greater the weight should be). Paragraph 213 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 214 deals with considering proposals which would lead to substantial harm. Paragraph 215 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 216 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.
- 9.65 As part of the submission a number of supplementary heritage reports have been submitted to accompany the application. As evident from the submitted site plan the site and surrounding area contains the following heritage assets:
- Conservation area : Huntington Village Conservation Area
  - Listed buildings: Grade 2 listed St Mary Magdalene Church, Grade 2 listed Huntington Court, Grade 2 listed Huntington House
  - Curtilage listed structures
  - Non- designated Huntington Court Park
- 9.66 The Huntington Conservation area is located within the southern edge of the site northern parcel and the western edge. Maps showing the conservation area and listed buildings can be seen below:



**Figure 4: Conservation Area:**

Source: [https://www.herefordshire.gov.uk/downloads/download/50/conservation\\_areas\\_-\\_maps](https://www.herefordshire.gov.uk/downloads/download/50/conservation_areas_-_maps)

- 9.67 The Huntington Court Unregistered Park lies within the Conservation Area boundary. However, the park is not included in the list of Historic England Registered Parks and Gardens but is considered a non-designated heritage asset.



**Figure 5: Listed buildings in close proximity to the application site**

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

- 9.68 The Council's Historic Buildings Officer has been consulted on the application and have provided comments and they have identified that the proposal 'will result in less than substantial harm at a lower level to the Conservation Area' and have also stated that 'This harm is regarded as less than substantial but can be substantially mitigated by the quality of the development where it most closely borders the conservation area.
- 9.69 As highlight above The Council's Historic buildings Officer has been consulted during this application. They have highlighted the application site proposes residential development on what is currently farmland to the east and north of the settlement of Huntington. The settlement is classified as a conservation area and includes a number of listed buildings and a non-registered park which surrounds Huntington Court. It is noted that within the conservation area the settlement is characterised by the considerable sense of enclosure provided by mature trees and by the high stone boundary walls which enclose the properties. There is generous spacing between dwellings and though near the City of Hereford, its setting is enhanced by the approach along the narrow hedge lined Huntington Lane and the open landscape which surrounds the hamlet. The design and appearance of the proposed dwellings and their immediate context will be addressed at the reserved matters stage. Nearby heritage assets would also be unaffected and as such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy and with the guidance set out in the National Planning Policy.
- 9.70 Officers concur with the assessment undertaken within the Heritage Appraisal in terms of the impact of the development and the proposed development will have no physical impact on the special historical or architectural interest of the Conservation Area. Considering the assessments undertaken both within the Heritage Appraisal and by officers as part of the consideration of the heritage impacts of the proposals, the application is considered to accord with the listed legislative, policy and guidance with regards to the historic environment
- 9.71 Regarding issues relating to archaeology as part of the submission a historic environment desk-based assessment was supplied. The archaeological advisor has been consulted and confirmed they have no objection, subject to the imposition of an appropriate archaeological recording condition as mitigation, consistent with Para 205 of the NPPF.

### **Conclusion on Heritage matters**

- 9.72 It is officer's view that the harm resulting from the change in setting of the heritage assets Identified is less than substantial harm and this be weighed in the planning balance in the conclusion of this report and it is concluded the impact of the proposed development on listed buildings and non-designated heritage assets would be acceptable, and potential impacts can be further controlled through the subsequent reserved matters applications and the conditional framework. The proposal would accord with the NPPF in this regard, as the less than substantial harm that it would cause to the significance of the setting of listed buildings would be outweighed by its public benefits. It is also the case that the application accords with policies HD5 and LD4 and in the context of the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Strategy Policy HD5, alongside the requirements set out within Chapter 16 of the NPPF.

### **Biodiversity and Ecology**

- 9.73 Core Strategy policies SS6 and LD2 state that development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness, including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material

considerations are sufficient to outweigh nature conservation considerations. Similarly, the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 9.74 The application submission has been supported by an extended Phase I Habitat Survey and a number of protected species surveys which are discussed in the Ecological Appraisal. It is noted that the application site is not subject to any statutory or non-statutory ecological designations.
- 9.75 During the application period additional ecology surveys have been submitted to address ecology consultee comments and a number of surveys and updates have been completed and submitted and have been submitted for consideration.

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 populations of protected species, often associated with existing ecological corridors of trees and hedgerows.

- 9.76 This 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 Public Open Space 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.
- 9.77 As confirmed by the Councils Ecologist the submitted updated ecological report clearly identifies that there are no reasons why the Local Planning Authority should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted together with appropriate landscaping included in any reserved matters scheme.
- 9.78 The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal is considered to adhere to Core Strategy Policies SS6 and LD2 and the NPPF.
- 9.79 The site lies within the River Wye SAC catchment, and a Habitat Regulation Assessment has been completed. Natural England have confirmed as the proposal complies with core strategy Policy LD2, SD3 and SD4 they are able to conclude there will be no adverse effects. This is explained in more detail below.

#### **Habitats Regulations Assessment (HRA)**

- 9.80 The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered.

- 9.81 A shadow HRA and subsequent revisions has been submitted with the application, and this has been reviewed by officers. That assessment must satisfy beyond all reasonable scientific doubt that there would not be an adverse effect on the integrity of the River Wye. The HRA screening and appropriate assessment was completed by the Local Planning Authority and submitted by a formal consultation with Natural England. Natural England have confirmed in their formal response that the proposed development will not have significant adverse impacts on designated sites and has no objection. As part of the submitted mitigation to secure no effect on the integrity of the designated site, conditions have been included within the HRA and these have been incorporated into the recommendation and conditions at the end of this report for completeness.

### **Design, layout and impact on residential amenity**

- 9.82 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well-planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 9.83 The application submission is in outline form only, which reserves all details apart from access for further consideration. Many of the issues raised will need to be carefully considered at the Reserved Matters Stage, in particular the relationship with the existing dwellings in Huntington Village and the Conservation Area. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be development that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the new dwellings and this will again be a matter for consideration at a later stage.
- 9.84 Herefordshire Local Plan Core Strategy SD1 is also 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 196 to 201 of the National Planning Policy Framework also relate to ground conditions and pollution.
- 9.85 When looking at the illustrative framework plan, there are no dwellings in very close proximity of the site that would be directly affected by the proposals. Some dwellings in the wider area may be affected by the proposed development mainly in terms of changes to their outlook, but there is no reason to conclude that there will be any significant harm resulting from the proposed development. Conditions are proposed that would protect existing and future residents during construction.
- 9.86 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. It is also acknowledged that policy HD5 requires an average density of up to 35 dph across the site. Regarding higher density housing this is anticipated to be along Three Elms Road which is in line with the existing character however this element would be considered within any forthcoming reserved matters application. A Parameters Plan showing proposed submitted Building heights can be seen in Appendix 3. Also noted above within the heritage section of this report is not considered that the setting of any individual listed buildings or the conservation area would be harmed by the development in principle regarding the layout, design, height and materials this will be considered at reserved matters stage.
- 9.87 Officers would note that there is also potential for the introduction of additional boundary planting subject to an appropriate layout and orientation of houses at the Reserved Matters Stage, and



as such any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of proposed and existing dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 135 of the NPPF.

### **Air Quality**

- 9.88 Following consultation responses from the Environmental Health Officer (EHO), a request was made for an assessment to determine the likely emissions arising from the existing “Log Yard” operation located at New Court Farm, which adjoins the application site. The Log Yard operation involves the processing and drying of hardwood for the supply of firewood in the form of logs and kindling, utilising a biomass boiler as part of its operations.
- 9.89 A *Screening Assessment of the Log Yard Biomass Boiler*, prepared by Waterman (February 2024), has been reviewed by the Council’s technical air quality officers. The purpose of this assessment was to consider the potential impacts of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM) emissions on the proposed adjacent residential development.
- 9.90 Upon review, officers confirmed that the predicted emission rates associated with comparable biomass appliances are lower than the calculated target emission rates derived from the recognised screening methodology. Accordingly, the emissions from the biomass boiler at the Log Yard are not anticipated to exceed the relevant air quality objectives. It is therefore concluded that no further information or assessment is required at this stage in relation to emissions from the Log Yard operation.
- 9.91 Notwithstanding this, it is advised that at the Reserved Matters stage, consideration should be given to the detailed layout of the proposed residential development to ensure that any potential intermittent smoke emissions from the biomass boiler, particularly during start-up and shut-down phases, are appropriately mitigated so as to minimise any potential impact on future occupiers. Subject to this consideration, officers are satisfied that the proposal accords with Policies SD1 and SS6 of the Herefordshire Local Plan – Core Strategy and the relevant provisions of the National Planning Policy Framework (NPPF). The proposal is therefore considered acceptable in terms of safeguarding residential amenity and ensuring that adverse impacts arising from air contamination are minimised for both future occupiers and neighbouring residents.

### **Noise and disturbance**

- 9.92 The proposed development will introduce residential use to land that is currently in agricultural use. Based on the siting of the proposed dwellings adjacent to existing residential properties, the proposed development is considered entirely compatible with the surrounding context.
- 9.93 As part of the submission, a Noise Assessment prepared by ACCON UK (dated 31 January 2022) has been submitted and reviewed by the Council’s technical Environmental Health (Noise) Officers. The assessment considers the proximity of the site to a business park and a log yard, both of which have the potential to generate machinery and operational noise. Mitigation measures proposed within the assessment include the provision of a green buffer and an acoustic fence to minimise potential impacts on future residents. The Environmental Health Officers have confirmed that they agree with the results of the noise measurements presented in the assessment. However, they note that a building containing saws, planers, and extraction equipment was not operational at the time of the survey. Consequently, the officers reserve the right to request an updated noise impact assessment at Reserved Matters stage, should this building become operational. This requirement has been secured via condition. The Environmental Health Officers have also considered the three proposed locations for a care home



within the site. Option 1, which positions the care home nearest to the existing log business, is considered the least preferable in terms of potential noise and odour impacts.

- 9.94 The Council's Environmental Health (Noise) Team has reviewed the noise assessment methodology and findings, and raises no objection to the proposed development, subject to the inclusion of appropriately worded conditions. The assessment concludes that the cumulative noise level at the site represents a No Observed Adverse Effect Level (NOAEL) in accordance with the National Planning Practice Guidance, meaning that noise is noticeable but not intrusive. To further minimise disturbance during the construction phase, it is recommended that conditions are imposed to secure a Construction Management Plan and to control hours of working. These measures will ensure that potential impacts from noise and dust on neighbouring residents are maintained at acceptable levels.
- 9.95 Accordingly, officers are satisfied that, subject to the proposed conditions, the development accords with Policies SD1 and SS6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (NPPF) in terms of safeguarding residential amenity.

### **Contaminated Land**

- 9.96 The application is accompanied by a Site Investigation Report titled "*Three Elms, North Eastern Quarter – Ground Conditions Interpretative Report*", prepared by Tetra Tech Environment and Planning (NI) Limited (Ref: B031377, June 2022).
- 9.97 The Council's Contaminated Land Officer has been consulted on the submission and confirms that the site investigation report appropriately considers the potential risks arising from land contamination, both from historical and current on-site and off-site sources to future users of the site.
- 9.98 It is acknowledged that site investigation reports of this nature are typically undertaken following a desk-based study (Preliminary Risk Assessment), which establishes the conceptual site model and identifies potential contaminant linkages. While the site's previous agricultural use is not generally associated with significant contamination risks, certain aspects have been identified as warranting further consideration. These include the potential for contamination arising from historic use or inappropriate application of herbicides and pesticides, as well as the presence of an outflow from broken pipework observed on the northern section of the site. Accordingly, officers have recommended that additional soil sampling be undertaken to address these specific matters.
- 9.99 The Contaminated Land Officer has also noted the comments of the Environment Agency, which relate to potential risks to controlled waters, and the observations of the Council's Private Water Supply Team, who have considered the potential impacts of the proposed development on commercial extraction boreholes located within or near the site. These matters are not repeated in detail here, other than to reaffirm the importance of ensuring that existing risks associated with the presence of sewage and elevated compound concentrations within nearby groundwater monitoring boreholes are fully characterised. It is essential that no residual contamination remains which could pose an ongoing risk to existing abstractions, or that any new pollutant linkages are introduced as a result of the development.
- 9.100 Following review of the submitted technical information, the Council's Environmental Health Team has confirmed that it has no objection to the proposed development, subject to the imposition of appropriately worded conditions. Specifically, it is recommended that a Preliminary Risk Assessment (PRA) be secured by condition, to be submitted and approved prior to the commencement of development. This will ensure that any risks identified as relevant to specific areas of the site are clearly demonstrated and appropriately addressed. Subject to the inclusion of this condition, officers are satisfied that the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy have been met. The proposal is therefore considered acceptable in

respect of land contamination, ensuring that the development will safeguard human health, controlled waters, and the wider environment.

### **Public open space/ Open Space provision**

- 9.101 Policies OS1 and OS2 of the Herefordshire Core Strategy require the provision of open space for all new developments, with requirements assessed on a site-by-site basis and in accordance with applicable standards. Given the scale of the proposed development, there is a requirement to provide on-site play and open space provision.
- 9.102 In addition, Policy HD5 of the Core Strategy expects the development to provide:
- A new linear park along Yazor Brook, connecting with the existing Yazor Brook Park to the east of the site and linking into the Public Rights of Way network; and
  - A series of green infrastructure connections to enhance the biodiversity value of the area.
- 9.103 A Green Infrastructure Parameter Plan has been submitted, demonstrating that the proposed areas of open space are integral to the design of the development. Particular emphasis is placed on retaining the areas either side of Yazor Brook as a key green corridor traversing the site. The proposed green infrastructure and open space components are summarised as follows:
- Yazor Brook green and biodiversity corridor;
  - Public open spaces, which may include allotments and orchards;
  - Children's play areas;
  - Swales and other Sustainable Urban Drainage System (SuDS) features;
  - Existing trees and hedgerows; and
  - Pedestrian and cycle links.
- 9.104 The Council's Open Space Officer has highlighted that the proposed green infrastructure and public open space will both enhance biodiversity and provide opportunities for informal recreation.
- 9.105 As shown on the submitted parameters plan (Appendix 4), the proposal includes areas of open space encompassing Yazor Brook, associated flood storage areas and functional floodplain, public open spaces, children's play areas, existing hedgerows, utilities and exclusion zones, buffers, pedestrian and cycle links, SuDS, and elements of primary, secondary, and tertiary roads.
- 9.106 The proposed children's play areas are distributed across the site and residential blocks, with indicative locations identified on the parameters plan. These areas are designed to provide a mix of equipment integrated within the broader green infrastructure. They are intended to offer a diversity of experiences, encouraging exploration and interaction with nature, balancing physical activity with creative and quiet spaces, and integrating social areas for group activity. The play areas are designed to be inclusive, providing a range of play value. Full details will be submitted at Reserved Matters stage.
- 9.107 In accordance with Core Strategy policies OS1, OS2, and HD5, and secured through the Section 106 agreement, the development will provide:
- 2.4 hectares (24,000sqm) of public open space; and
  - 0.2 hectares (2,000sqm) of children's and teenagers' play space.
- 9.108 Maintenance of the on-site public open space will be undertaken by a management company. The Open Space Officer has confirmed that the general distribution of play areas across the site is acceptable. Further details of location, accessibility, specifications, and design, as well as associated cost values, will be provided at Reserved Matters stage. A suitably worded condition, secured through the Section 106 agreement, will ensure long-term management and maintenance, including the provision of an information pack to residents explaining how the open space will be managed and advising on the appropriate use of household chemicals and fertilisers to protect the underlying aquifer.

- 9.109 On this basis, officers are satisfied that the site is capable of being developed in accordance with the requirements of Core Strategy Policies OS1, OS2, and HD5, ensuring appropriate public open space, play provision, and green infrastructure enhancements.

### **Flood Risk and Water Management**

- 9.110 Chapter 14 of the National Planning Policy Framework relates to meeting the challenge of climate change, flooding and coastal change. Paragraphs 170 to 182 deal with planning and flood risk.
- 9.111 NPPF paragraph 161 requires that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk.... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.112 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 9.113 Paragraph 170 of the NPPF states "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."
- 9.114 Paragraph 181 of the NPPF states "when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
  - The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - Any residual risk can be safely managed; and
  - Safe access and egress routes are included where appropriate, as part of an agreed emergency plan.
- 9.115 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, wastewater treatment and river quality. SD3 sets out measures for sustainable water management will be required to be an integral element of new development 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, through the treatment of wastewater. 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.
- 9.116 As required, the application is supported by a Flood Risk Assessment (FRA) (amended during the application) and drainage strategy as well as a Water Resources and Flood Risk Chapter (Chapter 13) submitted as part of Environment statement). Also, in March 2025 the Environment

Agency published updated surface water flood maps and at the request of the LPA further assessment was requested. Subsequently a technical note was produced following further assessment based on the surface water flood risk at the site based on the March 2025 EA mapping data. prepared by Tetra Tech; and an EIA Conformity Statement, prepared by Waterman. This updated information went out for consultation.

- 9.117 Policy HD5 of the Core Strategy includes several flood risk related requirements for the development of this site namely:
- Sustainable drainage and flood mitigation solutions should form an integral part of the green infrastructure network.
  - Opportunities to mitigate flood risk arising from the Yazor Brook for existing residents and businesses within the city should be explored.
- 9.118 The site is located largely within Flood Risk Zone 1. However, where the Yazor Brook bounds the south of the Site, parts of the Site immediately adjacent to the brook are in Flood Risk Zones 2 and 3 (as defined by the Environment Agency). No development is proposed in the areas of Flood Zone 2 and 3.
- 9.119 A significant number of the objections submitted raise continuing concerns regarding flooding and drainage. This also includes photographs shown of the site and in close proximity to the site.
- 9.120 Key themes raised within submitted letters of representation have been summarised below:
- On a flood plain. What happens when floods
  - Water table below the land. Fields flood due to high water table
  - New spring already emerged on site. Not mentioned in application. Will more springs pop up?
  - The need for 8 attenuation ponds. Health and safety risks
  - Grade 3 Flood Risk. Greater flood risk due to nature of the geology
  - Will this development cause further flood risk to Huntingdon hamlet, Three Elms Road
  - Local industrial plants, employers, and taxpayers use the water from this source in their production processes. Large factories/employment may need to relocate. Not good for local economy
  - Groundwater in the aquifer below is within a source protection zone – development could compromise the purity of the water.
  - Development over a vulnerable commercial aquifer. Site not suitable for development
  - Yazor Brook flooded Feb 2020. The flood risk in could increase in Huntington hamlet
  - Any adverse effect on the hydrology in this location plan have implications for its entire length
  - Proposed houses will be at risk of flooding
  - Environment agency should revisit the SPZ zone and extend it further north
  - Climate crisis – Yazor Brook will flood
  - Further building will exacerbate flooding
  - SD4 Wastewater Treatment and River Water Quality - The development will undermine the water quality targets for our rivers within the County and may lead to further problems contrary to the current Water Directives. The current phosphate, nitrate and pollution will be further exacerbated by large scale developments
  - Welsh water already cannot treat the effluent from the existing homes in Hereford and the river Wye is paying the consequences
  - Tetra Tech Hydrological Risk Assessment Report: concerns raised
  - Surface water will compound existing flood levels downstream. (residents and businesses
  - SiNC (Site of importance for nature conservation) designated brook,
  - Attenuation scheme designed poorly
  - The new scheme does not consider the 1 in 100 yr storms

- A new reservoir be more beneficial for biodiversity off-setting impact elsewhere.
- The Hydro geology is complex. Tributaries above and below ground to Yazor Brook that have not been considered
- Submission of privately funded survey by 'Geo-Smart'
- Access right for foul drainage on site (Newcourt Farm)
- flooding in Hurdman Walk which occurs on a frequent basis after heavy rainfall. The green alongside the Yazor Brook is Surface Water in a Flood Zone 2. A
- Any removal of the green to lay tarmac to widen the cycle track and footpath will increase the flood risk to the properties in Hurdman Walk.
- flooding within fields in and around Huntington Hamlet
- Recent flooding within Trinity park
- concrete jungles being built do push water to other areas in that vicinity and further afield.
- recently houses have been flooded where they never have before due to run off from the new site near Aylesbrook and on the Canon Pyon Road and flooding outside the properties next to the proposed site in Three Elms road.
- Flooding of Three Elms Road. Building on the land by Huntington Lane will only exacerbate this issue.
- There has been very recent flooding in the area with houses on Roman Road and Three Elms Road being flooded.
- Whitecross school and a lot of Three Elms Road would be flooded.

- 9.121 The application has been assessed in accordance with policies HD5, SD3 and SD4 as well as Section 14 of the NPPF, specifically paragraphs 180 and 181.
- 9.122 These outline that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Additionally, applications should be supported by a site-specific flood risk assessment where appropriate and built forms should only be placed in the lowest risk areas.
- 9.123 As detailed above drainage colleagues have been involved with extensive discussions about this application over the application period. During those discussions updated information and evidence has been submitted as a key element with this proposal is the assessment of potential flood risk benefits associated with the Yazor Brook, as required under Policy HD5 of the Core Strategy.
- 9.124 Paragraph 180 of the National Planning Policy Framework (NPPF) states:  
*"Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account."*
- 9.125 As highlighted elsewhere within this report this application forms part of an allocated site (Policy HD5) within the adopted Herefordshire Core Strategy (2015). As such a sequential test has already therefore been undertaken as part of the Local Plan process.  
 Within the supporting documentation the 2020 Flood Risk Assessment assesses the Three Elms site noting that the site allocation is considered to pass the Sequential Test and Exception Test if development is located in the low-risk Flood Zone 1 areas and that no development is proposed in the areas of Flood Zone 2 and 3.
- 9.126 The Exception Test needed to be reapplied following changes to the EA mapping data in light of wording of NPPF paragraph 180,
- 9.127 The Exception Test requires two additional elements to be satisfied before allowing development to be permitted in situations where suitable sites at lower risk of flooding are not available.



- 9.128 The PPG confirms that it should be demonstrated that:
- 1 development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
  - 2 the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (Paragraph: 031 Reference ID: 7-031-20220825)

- 9.129 These two points are considered below:

Wider sustainability benefits

- 9.130 The proposed development of circa 350 dwellings would make an efficient and sustainable use of this accessible site, while reflecting the character of the local area. The delivery of the housing will go towards the current 5-year housing delivery land supply (currently 3.11 years) within an allocated site within the Core Strategy Policy HD5. The proposal also includes the provision of land for a care home. The proposal also will deliver a park and choose site and BNG benefits, open space. The proposal will also deliver economic benefits within the construction phase and indirect employment as well as additional spend in the local area from future residents.

Flood risk

- 9.131 The application has been supported by flood risk assessments, and a drainage strategy has these have been updated as requested during the application process. They were first issued in 2022, updated in 2023 and 2024 and a note was submitted to address the EA revision of the surface water flood maps in 2025. These Supporting documents has assessed all potential sources of flood risk to the site including both fluvial and pluvial flooding, sewers, ground water flooding, overland flow routes, reservoirs flooding and ordinary watercourse as well.
- 9.132 The development is located predominantly within flood zone 1 with some encroachment within flood zone 2 and 3 and this is within the southeastern extent of the site. The proposed housing development is only within Flood zone 1 and areas of open space/landing is located with the flood zone 2 and 3. As part of the submission hydraulic modelling of Yazor Brook only flood extents slightly encroach the area proposed for amenity and green space and not at all within the development areas and subsequently officers agree with the applicant that there will be no impact on the development of floodplain storage. The development is also proposing flood storage compensation within the site to mitigate flood risk from Yazor Brook.
- 9.133 The EA mapping shows the presence of surface water flow paths through the site from north to south (towards Yazor Brook) and the depths have indicated that these flow path depths are shallow. As part of the recommendation finished floor levels of the development are being secured which will protect residents and as the levels are low the surface water flow levels can be managed by the drainage strategy at reserved matters submission and is considered not to impact this site nor the neighbouring residential properties. It also noted that the water table for parts of the application site are high (south of the Brook) and no basement construction is being proposed for again the risk of flooding from groundwater is likely to be low.
- 9.134 To attenuate surface water runoff from the development the proposal is using an arrangement of ponds and swales Below ground attenuation to be provided within the proposed surface water drainage strategy and within the pipes and manholes. The proposed Suds will provide sufficient treatment to the runoff to ensure there is no impact to the water quality of the Yazor Brook. The development will also provide floodplain storage within the site, and the proposal is also considered to provide betterment to the existing position by creating a controlled scenario and this will be in line with CS policy HD5 which aims to provide mitigation.
- 9.135 The proposal includes a drainage strategy to accommodate surface water flooding through the provision of swales and basins. This outline application has the proposed residential dwellings



located in Flood Zone 1 and will therefore be safe for their lifetime, taking into account the vulnerability of future occupants and without increasing flood risk elsewhere. Also as detailed above the proposed will also bring about wider sustainability benefits to the community that outweigh flood risk and as such officers are satisfied that the 'Exception Test' has been met/satisfied.

- 9.136 Updated information including a revised FRA has been reviewed, however and at reserved matters, additional information has been requested, and appropriately worded conditions have been added to secure this in respect to an excavation strategy including details of flood storage areas etc
- 9.137 The Environment Agency (EA) have also been consulted and requested additional detail in regard to the submitted FRA which was provided by the applicant. Subsequently the EA have confirmed the updated information now also consider Huntington Hamlet Association concerns relating to drainage and run off issues they previously raised. The EA have also confirmed in their comments whilst there are some sections of Flood Zones 2 and 3, the medium and high risk Zones respectively, in the south eastern section of the site (R04) these areas are proposed for green space and not residential units and have confirmed in their comments that the vast majority of the site falls within Flood Zone 1 and is developable. Albeit acknowledging that there are constraints within the Northeast Quarter and would expect provision of some of the previously agreed additional flood storage areas to assist in the reduction flood risk downstream. This is a requirement for the various parcels within the wider development and in line with Policy HD5. The indicative Site Plan shows the inclusion of additional flood storage areas and the EA have highlighted that these must be aligned with the constraints in relation to an excavation strategy which has been proposed as condition and would be reviewed as part of any forthcoming Reserved Matters application.

#### Surface Water

- 9.138 Turning to surface water as highlighted by drainage colleagues this outline application has presented the principles of the surface water strategy, and this has been reviewed by the Council's drainage technical officers.
- 9.139 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. The development has been designed to control the flow of surface water run-off to allow for a 1 in 100- year flood event, whilst also allowing for the future effects of climate change.
- 9.140 However, at detailed design stage the surface water strategy and SuDS will be subjected to a detailed technical review and accompany the reserved matters submission. During the application revised greenfield calculations have been submitted and reviewed as well as officers attending a site meeting. Drainage Officers have commented that there is ample space within the development area for larger ponds, so a surface water strategy could be developed on the basis that the contributing area for the respective ponds is based on the anticipated Impermeable Area only. The greenfield runoff rates that have been presented as part of the Outline submission will need to be corrected at Reserved Matters stage. In principle water will be discharged to the Yazor Brook via a series of swales and basins (collectively referred to as 'Sustainable Urban Drainage Systems, (SuDS), located within the proposed areas of greenspace within the development). There will be no increase in flood risk because of the development, either within the Site or outside its boundary. None of the proposed houses will be built within the high-risk flood areas so there is no risk of flooding to the future residents.
- 9.141 Relevant condition securing a surface water drainage scheme to include additional infiltration testing. The surface water drainage scheme should also contain details of the broken pipe as well as the management of runoff from Roman Road. Also, a condition has been added requiring details of the proposals for the removal of Welsh Water abandoned water main.

- 9.142 The EA have also confirmed in their comments that 'surface water drainage issues being addressing by the LLFA'.
- 9.143 The Councils Drainage Consultants have confirmed they have not objected in principle although the detailed design and additional information to support this design will need to be provided to support the reserved matters application and this has been requested via detailed conditions. At this outline planning stage, the proposal demonstrates that the development can be suitably drained in principle ensuring the protection of adjoining land from flooding by surface water.
- 9.144 Officers acknowledge the most recent comments from the drainage officer requesting the Indicative Surface Water Drainage Plan is updated to address three areas :
- Addressing how run-off from the industrial estate is conveyed
  - Providing a commitment to assess the surface water flow route in specific areas and how this may impact FFLs.
  - Also addressing how the impact of runoff from the Three Elms Road will be addressed.
- 9.145 However, officers sought clarification from drainage colleagues who confirmed that their position stands in terms of no objection for the proposal and officers are satisfied that firstly the run-off from the industrial estate can be conveyed via overland flow routes through the development within the roads via provision of appropriate landscaping and finished floor levels to ensure that there is no encroachment with properties or increase in flood risk offsite. This could be used in combination with a linear feature such as filter drains or swales to collect and convey around the development where required. This can be explored further at any subsequent reserved matters stage.
- 9.146 Regarding the commitment to assess the surface water flow route in specific areas and how this may impact FFLs, the surface water flow route will be assessed further at the reserved matters stage, and the result of this assessment will inform the proposed mitigation and Finished Floor Levels.
- 9.147 Finally, regarding addressing how the impact of runoff from the Three Elms Road will be addressed, the surface water flooding on Three Elms Road adjacent to Huntington Lane will be managed through the topography of the road as well as the current road drainage network. Also, the EA 1m LiDAR DTM shows that the A4110, Three Elms Road, has a kerb along the western extent of the road and the road itself slopes in a general southward's direction. Therefore, it is anticipated that the kerb will provide a barrier to surface water flows entering the site and surface water flows will be diverted southwards as opposed to towards the site boundary. Furthermore, there are numerous road gullies along the road to capture surface water flooding on the A4110. Any overspill from the drop kerbs provided for the cycleway can be managed via a linear feature such as a swale within the available space adjacent to the cycleway. The FFLs for the development will consider the low-lying land adjacent to Three Elms Road to mitigate the risk of flooding on low lying land and as discussed there is scope to include a linear conveyance feature such as a swale.
- 9.148 This matter will be considered further at the reserved matters stage with appropriate topographic surveys undertaken as required to inform the detailed design of the drainage features and mitigation measures. To conclude the requested amendments to the indicative drainage plan will be appropriately addressed and secured at reserved matters stage via an appropriately worded condition. Members are reminded that this is an outline planning application and the drainage drawing referenced is 'indicative' and will be reviewed and updated RM stage.

#### Foul water Drainage

- 9.149 With respect to foul drainage and Welsh Water have confirmed in their comments they have no objection to the proposed scheme as the disposal of foul flows from the site will be to the mains sewer. They have also confirmed that there is sufficient capacity within the sewerage system to accommodate the domestic flows from the development site. They also stated that Eign WwTW has a phosphate permit. The EA have also made comments in respect to foul drainage and request that the existing public mains sewerage system has adequate capacity to accommodate the proposal. The Councils Drainage Consultants have made observations in their comments noted that pumping stations may be required and advising these would need to be adopted by a water company but advising where possible pumping should be avoided. Drainage colleagues have requested that at reserved matter stage the applicant clarify the proposals for such works.

#### Water Supply

- 9.150 Also, Welsh Water within their comments have confirmed that there is capacity available in the water supply system to accommodate the development and as such there is no objection to provide a potable water connection to the serve the development site.

#### Source protection Zones

- 9.151 As a result of the presence of nearby abstraction boreholes, there are a number of Source Protection Zones (SPZ's) within the site and the Source Protection Zone (SPZ) which comprises an Environment Agency designation to protect groundwater from the effects of contamination where it represents an important water supply. The EA have advised from a protection of Controlled Waters perspective that any matters relating to Human Health should be directed to the relevant department of the local council.
- 9.152 The submission does identify that in the worst-case scenario construction activities could result in the contamination of ground and surface waters through spillages of fuels and oils used in the construction process and the creation of new pathways to any localised areas of existing contaminated ground or excavated materials. Also surface waters (the Yazor Brook) and drainage networks are also at risk of from sedimentation due to the increase of bare soils, and sedimentation may also result in downstream flooding at off-site culverts outside of the Site boundary. The construction works could also result in the compaction of soils which has the potential to increase surface water flooding.
- 9.153 Mitigation can include the implementation of a Construction Environmental Management Plan, which will include measures specifically aimed at protecting ground and surface water bodies from pollutants and siltation and minimising the potential for localised surface water flooding during the works. Also, the SUDS management will ensure that run off water goes through a number of treatment stages before reaching groundwater. The above mitigation measures will assist to ensure that the effects of the development on water resources are managed, including in relation to SPZ, to protect ground water resources and maintain water quality in accordance with policies SD3 and SD4.
- 9.154 The S106 legal agreement will ensure that all households/residents are provided with an information pack explaining how the open space will be managed and how their use of household chemicals and fertilisers should be limited due to the importance of the underlying aquifer.

#### Conclusion of drainage/Flood risk matters

- 9.155 Following the submission of additional details to satisfy earlier concerns raised by drainage colleagues the drainage objection has been removed, and officers have confirmed no objection subject to suitably worded conditions to address earlier concerns.
- 9.156 Therefore, officers are satisfied that a Sequential Test regarding planning and flood risk as per the NNPF para 172 is not required. To conclude both Welsh Water and the Land Drainage Consultant have requested further confirmation but in principle have raised no objection. Having

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regard to the details submitted and that this is an outline application for up to 350 dwellings, care home and park and ride and officers are satisfied that there is likely to be a technical solution and drainage details could be required by condition to be submitted to ensure the RMs applications to ensure it is considered holistically. The parameter plans detail that the developable areas of the site lie outside of flood zones Welsh Water does not object subject to conditions and the Land Drainage comments draw the same conclusion.

- 9.157 Overall, officers consider following the most recent drainage and flood information which has been shared with the Environment Agency, the LLFA and drainage team that with the addition of a number of prescriptive conditions to address sustainable urban drainage, its management, and future flood risks associated with subsequent reserved matters. All of these conditions have been incorporated into the conditions at the end of this report and as such the proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4, and HD5 and guidance within Chapter 14 of the NPPF.

### **Affordable Housing / Housing Mix**

- 9.158 Policy H1 of the Core Strategy establishes that affordable housing is required on sites of more than 10 dwellings. This proposal, comprising up to 350 units, therefore, triggers a requirement for affordable housing provision. Policy HD5 further sets an expectation that 35% of the total number of units should be affordable.
- 9.159 The provision of affordable housing would be secured through a Section 106 agreement. The agreed provision for this phase is 27%, taking into account the proposed care home on site. Should the care home not be delivered, the affordable housing contribution would increase to the full 35%.
- 9.160 In practical terms, this equates to 123 affordable units. After accounting for the 80 units allocated to the care home, 43 units remain for residential affordable housing. Housing colleagues have advised that these 43 units should comprise a mix of 2, 3, and 4 bedroom houses. Additionally, provision should include:
- 1 x six-bedroom M4(2) house with a downstairs bedroom and wet room; and
  - 2 x two-bedroom bungalows built to M4(3) standard to provide specialist accessible homes.
- 9.161 This approach ensures that the development meets both the quantitative and qualitative expectations for affordable housing, providing a mix of unit sizes and specialist accommodation to meet local needs.
- 9.162 The siting and design of the affordable dwellings would be secured as part of any forthcoming reserved matters submissions. The Affordable Housing Units shall be for the following affordable housing tenures.
- 25% First Homes Tenure with 30% discount;
  - 71% Social Rent Tenure;
  - 4% Intermediate Tenure.
- 9.163 The affordable housing units shall be completed and made available for occupation in accordance with a phasing programme.
- 9.164 Core Strategy Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. To ensure that this is delivered as part of any forthcoming reserved matters submission, a condition is recommended to agree either in advance, or as part of a reserved matters submission (layout) the housing mix, having regard to the latest housing market assessment. Officers are content that this condition,

along with the Section 106 agreement in respect of affordable housing, would ensure compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for.

- 9.165 As part of the application a Care home is being proposed. The developer covenants to provide 1.6 acres of land for the delivery of a Care Home (C2 use class) which would deliver an 80 bed care home. The HMNA identifies the needs to make provision of this type of accommodation. In the event that the 'Care Home Land' transfer does not complete the developer covenants with Herefordshire Council to deliver the additional 8% units of affordable housing.
- 9.166 Officers are content along with the Section 106 agreement in respect of affordable housing, will ensure compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for.
- 9.167 The application has been revised to include a care home (Use Class C2) within its description of development. As this application is in Outline the exact siting of the Care Home will be confirmed at Reserved matters stage, however, to ensure the site can accommodate the Care home 3 options have been included in the submission and are detailed below:

9.168 **OPTION 1**

The first option is illustrated on the plan adjacent and shows the Care Home site located along an east-west green corridor and pedestrian/ cycle way, linking directly the Care Home site to Three Elms Road and to existing facilities. It is located along the primary road corridor, from which the Care Home could be directly accessed.



9.169 **OPTION 2**

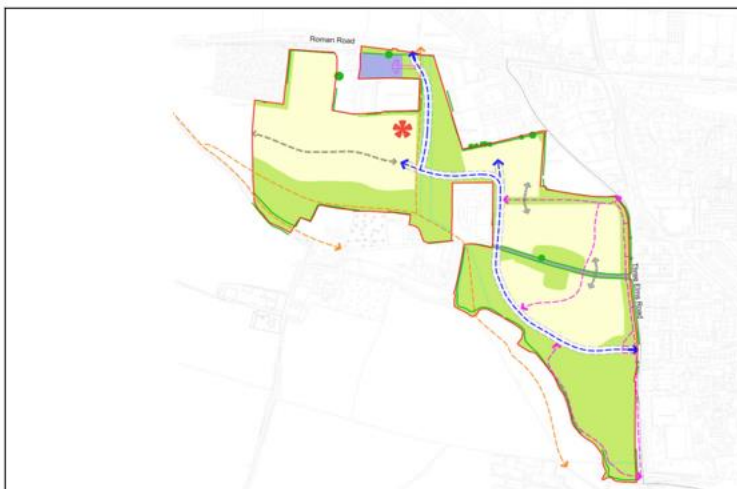
The second option is illustrated on the plan adjacent and shows the Care Home fronting onto the Yazor Brook Meadow. The site is located along the primary road corridor with pedestrian and cycle provision within it, and in close proximity to Huntington Lane, linking directly the Care Home site to Three Elms Road and to existing facilities. Three Elms Road and existing facilities area easily accessible from this location and the topography of the land is fairly flat.





### 9.170 **OPTION 3**

9.171 The third option is illustrated on the plan adjacent and shows the Care Home located in the westernmost development parcel. The plot is positioned in proximity to the primary road corridor, from which the Care Home could be accessed, and along the north-south Public Right of Way. The topography of the land in this parcel is sloping southwards.



9.172 Also, as part of the recommendation a condition requiring a Travel Plan for the care home staff, residents and visitors to be prepared and implemented for this land use.

### **Park and Choose**

9.173 The supporting text for Policy HD5 requires that the 'land and infrastructure for Park and Choose facilities will be required to encourage sustainable modes of travel and served primarily from Roman Road. Core Strategy Policy SS4 states that new developments should be designed and located to minimise the impacts on the transport network and that journey times and the efficient and safe operations of the network are not detrimentally impacted. It is also a requirement, where practicable, that development proposals should be accessible by and facilitate a genuine choice



of modes of travel including walking, cycling and public transport. These principles are repeated in Policy MT1 Traffic management, highway safety and promoting active travel.

- 9.174 The submitted framework plan sets aside sufficient land to accommodate a Park and Choose site adjacent to Roman Road in the north of the site and the indicative internal layout of the site has been carefully designed to ensure that this facility is connected both to the site and the wider existing area by the provision of footpath links and crossing points. The vehicular access strategy for the site is consistent with the policy and provides an access from the A4103 Roman Road and the A49 Holmer Road, which also serves the Park and Choose.
- 9.175 The masterplan also demonstrates that there are foot/cycle links both to the east and south of the site to ensure that there are high quality routes to the existing public right of way network and existing local education, community and employment sites. In line with the requirements to encourage sustainable travel, a Travel Plan has been prepared and improvements to sustainable infrastructure (footways, crossings etc) forms part of the integrated transport strategy.
- 9.176 The park and ride will offer commuters or other visitors to Hereford the option to park outside the city and take one of a number of sustainable transport options into the centre. It is intended that the 'Park and Choose' site will be operated by the highway authority and have 75 spaces.
- 9.177 The exact siting of the park and choose and specific details would come forward via RM submission as would the infrastructure within the site in the form of the foot and cycle paths to serve the site. It would also be expected that the developer would be responsible for construction of the base for the park and choose to the standard carriageway specification in accordance with the council Highways Design Guide.

#### **Public Right of Way (PRoW)**

- 9.178 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.
- 9.179 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. The PROW Officer has confirmed no objection is raised, but it is noted that public footpaths HER1, HER55, HER38 and HER37 cross the site. Within their comments they have advised that these routes must not be obstructed.

#### **Minerals and Waste**

- 9.180 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. As advised within the minerals and waste officer comments the proposal 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.
- 9.181 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. To address the requirements of

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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 and this has been secured by an appropriately worded condition.

### **Waste - Refuse and Recycling**

- 9.182 The Council's Refuse and Recycling team has been consulted. Refuse and recycling bins and location of bin collection will be secured under any forthcoming reserved matters applications. Also, under the RM applications tracking for refuse vehicles will be assessed as part of the layout. A financial contribution of £80.00 (index linked) per dwelling has also been secured to provide 1 x black bin and 1 x green bin and this is detailed within the draft heads of terms.

### **Climate change**

- 9.183 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.
- 9.184 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 at paragraph 115 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 Paragraph 117 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 9.185 The proposed development is located within Hereford City 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).
- 9.186 A condition is recommended to ensure electric vehicle charging points alongside details in terms of cycle parking provision and these matters would be considered at the reserved matters stage, setting out how design measures will be incorporated as part of the development.
- 9.187 Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

### **Planning Obligations**

- 9.188 Core Strategy Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 58 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, satisfy all of the following:

a) *necessary to make the development acceptable in planning terms;*

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- b) *directly related to the development; and*  
 c) *fairly and reasonably related in scale and kind to the development.*

9.189 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) and the Wye Valley Trust (primary health care). Contributions to the Wye Valley Trust are necessary to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development. Some of the local representations advance the needs for contributions to the school place.

9.190 The Planning Obligations Manager has confirmed the required contributions and the infrastructure projects that would benefit. The application is accompanied by a draft Heads of Terms and the proposed contributions can be seen below, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

9.191 These contributions are set out within the draft Section 106 agreement and a summary is set out below.

Infrastructure	Quantum of contribution
Affordable Housing with construction of the care home	<p>The developer covenants with Herefordshire Council to provide 27% on site affordable housing - Figure reduced from 35% to take into account the 1.6 acres of Care Home Land which equates to 24 dwellings.</p> <p>The developer covenants with Herefordshire Council that the Affordable Housing Units shall be for the following affordable housing tenures (or alternative mix agreed with the Council);</p> <ul style="list-style-type: none"> <li>• 25% First Homes Tenure with 30% discount;</li> <li>• 71% Social Rent Tenure;</li> <li>• 4% Intermediate Tenure.</li> </ul> <p>The developer covenants with Herefordshire Council to deliver a minimum of 5% of the affordable housing as wheelchair accessible dwellings and bungalows to M4(2) and M4(3) regulation standard.</p> <p>The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-</p> <ul style="list-style-type: none"> <li>• a local connection with the ward of Kings Acre;</li> <li>• in the event there being no person with a local connection to Kings Acre to Hereford City</li> <li>• in the event there being no person with a local connection to Hereford City any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies.</li> </ul>

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Affordable Housing without transfer of the Care Home Land	<p>In the event that the Care Home Land transfer does not complete (i.e. because the Council fails to complete the transfer within 30 working days or has otherwise notified the developer prior to occupation that it does not require the Care Home Land) the developer covenants with Herefordshire Council to deliver the additional 8% units of affordable housing on the following tenures (or alternative mix agreed with the Council);</p> <ul style="list-style-type: none"> <li>• 25% First Homes Tenure with 30% discount;</li> <li>• 71% Social Rent Tenure;</li> <li>• 4% Intermediate Tenure.</li> </ul>
Care Home Land	<p>The developer covenants to provide 1.6 acres of land for the delivery of a Care Home (C2 use class).</p> <p>The developer covenants not to occupy the development until the transfer of the Care Home Land has been entered into by the owner and released for completion (by freehold transfer with title absolute and full title guarantee) by Herefordshire Council (or its statutory successor in title). Herefordshire Council covenants to complete the transfer within 30 working days.</p> <p>The transfer of the Care Home Land to Herefordshire Council (or its statutory successor in title) shall be the sum of £1.00 and shall include the grant to Herefordshire Council of all necessary rights of way access and passage of services and all other rights reasonably and necessary for the beneficial enjoyment of the Care Home Land and appropriate restrictions including that the Care Home Land shall only be used for purposes of construction and use of a care home.</p>
Park and Choose Land	<p>The developer covenants not to occupy the development until a transfer of the Park and Choose Land has been entered into by the owner and released for completion (by freehold transfer with title absolute and full title guarantee) to Herefordshire Council (or its statutory successor in title).</p> <p>The transfer of the Park and Choose Land to Herefordshire Council (or its statutory successor in title) shall be the sum of £1.00 and shall include the grant to Herefordshire Council of all rights of way access and passage of services and all other rights reasonably and necessary for the beneficial enjoyment of the Park and Choose Land and appropriate restrictions including that the Park and Choose Land shall only be used for the purposes of a park and choose facility.</p> <p>The developer covenants to construct the Park and Choose Land to a specification provided by the local highway authority.</p>
Primary Care contribution	<p>The developer covenants to provide a financial contribution of <b>£230,400.00 (index linked)</b> to provide infrastructure for the provision</p>

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	of primary and community healthcare services at Hereford Medical Group and Belmont Medical Centre.																																
Health Care contribution	The developer covenants to provide a financial contribution of <b>£240,087.79.00 (index linked)</b> to provide infrastructure at Hereford Hospital.																																
Education contribution	<div>The developer covenants to provide a financial contribution (index linked) of;</div> <table><tr><td>Contribution by size and dwelling type</td><td>Pre-school</td><td>Primary</td><td>Secondary</td><td>Post 16</td><td>Youth</td><td>SEN</td><td>Total</td></tr><tr><td>2+ bedroom open market apartments</td><td>£232</td><td>£1,273</td><td>£1,597</td><td>£135</td><td>£704</td><td>£310</td><td>£4,251</td></tr><tr><td>2/3 bed open market house or bungalow</td><td>£484</td><td>£2,230</td><td>£3,005</td><td>£135</td><td>£948</td><td>£558</td><td>£7,360</td></tr><tr><td>4+ bed open market house or bungalow</td><td>£716</td><td>£3,653</td><td>£6,173</td><td>£135</td><td>£1,868</td><td>£987</td><td>£13,532</td></tr></table> <div>to provide the education facilities at Hereford Early Years, Trinity Primary School, St Francis Xaviers Roman Catholic Primary School, Whitecross High School, St Mary's Catholic School, Hereford Youth and Special Education Needs schools.</div>	Contribution by size and dwelling type	Pre-school	Primary	Secondary	Post 16	Youth	SEN	Total	2+ bedroom open market apartments	£232	£1,273	£1,597	£135	£704	£310	£4,251	2/3 bed open market house or bungalow	£484	£2,230	£3,005	£135	£948	£558	£7,360	4+ bed open market house or bungalow	£716	£3,653	£6,173	£135	£1,868	£987	£13,532
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4+ bed open market house or bungalow	£716	£3,653	£6,173	£135	£1,868	£987	£13,532																										
Recycling and waste contribution	The developer covenants to provide a financial contribution of <b>£80.00 (index linked)</b> per dwelling to provide 1 x black bin and 1 x green bin for each dwelling.																																
Library contribution	<div>The developer covenants to provide a financial contribution (index linked) of;</div> <table><tr><td>Contribution by size and dwelling type</td><td>Hereford Library</td></tr><tr><td>1 bedroom open market house or bungalow</td><td>£120</td></tr><tr><td>2 bed open market house or bungalow</td><td>£146</td></tr><tr><td>3 bed open market house or bungalow</td><td>£198</td></tr></table>	Contribution by size and dwelling type	Hereford Library	1 bedroom open market house or bungalow	£120	2 bed open market house or bungalow	£146	3 bed open market house or bungalow	£198																								
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	<table border="1"> <tr> <td>4+ bed open market house or bungalow</td><td>£241</td></tr> </table> <p>to provide improved library infrastructure at Hereford library.</p>	4+ bed open market house or bungalow	£241						
4+ bed open market house or bungalow	£241								
Transport contribution	<p>The developer covenants to provide a financial contribution of <b>£1,948,630.31 (index linked)</b> to enable essential mitigation necessary for the delivery of off-site Active Travel (AT) Improvements for the Grandstand Road Corridor and key connections to it to off-set the traffic impact.</p> <p>The developer covenants to provide a financial contribution (index linked) of:</p> <table border="1"> <tr> <th>Contribution by size and dwelling type</th><th>Sustainable Active Travel Measures</th></tr> <tr> <td>2 bed open market dwelling</td><td>£1,720.00</td></tr> <tr> <td>3 bed open market dwelling</td><td>£2,580.00</td></tr> <tr> <td>4+ bed open market dwelling</td><td>£3,440.00</td></tr> </table> <p>The monies shall be used towards the cost of public realm improvements and supporting active travel measures, particularly in relation to pedestrian, cycle, bus and safer routes to the town centre. The sum shall be paid in accordance with the phased payment schedule and may be pooled with other contributions if appropriate.</p>	Contribution by size and dwelling type	Sustainable Active Travel Measures	2 bed open market dwelling	£1,720.00	3 bed open market dwelling	£2,580.00	4+ bed open market dwelling	£3,440.00
Contribution by size and dwelling type	Sustainable Active Travel Measures								
2 bed open market dwelling	£1,720.00								
3 bed open market dwelling	£2,580.00								
4+ bed open market dwelling	£3,440.00								
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a minimum of;</p> <ul style="list-style-type: none"> <li>• <b>2.4 hectares (24,000sqm)</b> of public open space;</li> <li>• <b>0.2 hectares (2000sqm)</b> of children's and teenagers play</li> </ul> <p>The maintenance of any on-site Public Open Space (POS) will be by 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 the parish council and/or 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 will be the requirement to;</p> <ul style="list-style-type: none"> <li>• provide an information pack to residents explaining how the open space will be managed and the appropriate use of household chemicals and fertilisers due to the importance of the underlying aquifer.</li> </ul>								
Sports	<p>The developer covenants to provide a financial contribution of <b>£1,297.00 (index linked)</b> per open market dwelling towards sport infrastructure for football, cricket, rugby, hockey, athletics,</p>								



	cycling/BMX, tennis, multi-use games area, rounders, bowls and skate park in accordance with the council Sports Investment Plan.
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### **Cancelling of the relief road and impact on the deliverability of strategic housing sites**

- 9.192 This application is for a smaller quantum of development and known as Phase 1. Application 162920 for the larger site is still pending under consideration following confirmation of the future transport strategy for Hereford and the cancellation of proposals for the Hereford Western Bypass ('Hereford Relief Road'). Within Policy HD5 it advises there is capacity for 580 homes to be delivered ahead of a bypass. As confirmed by the Local Highway Authority the traffic generated from this first phase is considered capable of being accommodated on the existing transport network without the requirement for additional city-wide measures to be put in place, and therefore able to be brought forward in advance of the alternative transport strategy for Hereford being confirmed.

### **Private Water Supply**

- 9.193 The Environmental Health team have made comments with respect to Private Water Supplies and have highlighted that the proposed location into the site would be within 25 meters of one of the boreholes currently supplying Avara Foods Ltd. To protect this water supply a condition has been added to include the assessment of the risks to the borehole supply including its catchment area during and after construction to be provided in addition to other recommendations made previously (i.e. a full risk assessment and mitigation plan for the lifetime of the development for all boreholes which considers risks before, during and after development). This will provide any remedial actions to be taken, if required, to protect the supply from contamination and not cause insufficiency to the supply now or in the future should be produced.
- 9.194 An objection representation has been received from a local employer Heineken highlighting concerns that any threat to the quality of and quantity of water they would be able to extract would have a 'devastating effect on the local community and would impact the feasibility' continuing the operations. They have requested appropriate mitigation measures are secured as part of this application (including management and monitoring are secured). As detailed within the S106 provide an information pack to residents explaining how the open space will be managed and how their use of household chemicals and fertilisers should be limited due to the importance of the underlying aquifer. Also, there is the provision of an information pack to residents explaining how the open space will be managed and how their use of household chemicals and fertilisers should be limited due to the importance of the underlying aquifer.

### **Loss of Agriculturally Productive Land**

- 9.195 The National Planning Policy Framework (NPPF) emphasizes that planning decisions should contribute to and enhance the natural environment. This includes recognizing the intrinsic character and beauty of the countryside and the wider benefits derived from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile (BMV) agricultural land.
- 9.196 The Planning Practice Guidance (PPG) advises that this approach aims to protect BMV agricultural land and soils in England from significant, inappropriate, or unsustainable development proposals, and to manage soils sustainably.
- 9.197 The Agricultural Land Classification Map confirms that the site comprises Grades 1, 2, 3a, and 3b land, which are considered the highest quality agricultural land. Both the NPPF and Core Strategy Policy SS7 encourage the use of lower quality agricultural land where development on agricultural land is necessary.

- 9.198 While the NPPF acknowledges the economic benefits of BMV land, the use of agricultural land is only one material consideration in the determination of planning applications. In this case, the site is allocated as part of an urban expansion area (Policy HD5) under the Core Strategy, which has been subject to public scrutiny during the Local Plan process. The loss of BMV and other agricultural land in this location has already been considered at the plan-making stage, and the principle of development on this site, including the loss of BMV land, is therefore already accepted. Consequently, although the loss of agriculturally productive land is a factor in the planning balance, officers consider that an objection to the scheme solely on the basis of the loss of BMV land would be unsound.

### **Education, Community Facilities and Employment**

- 9.199 The site is part of a the larger allocation under Core Strategy Policy HD5, and this policy should provide for at least 1,000 dwellings over the Plan period together with key associated social infrastructure requirements. These infrastructure specific requirements include;
- a minimum of 10 hectares of employment land, comprising predominantly of a mixture of use class B1, B2 and B8 located near to the new livestock market with access to the Hereford Relief Road and Roman Road
  - 210 primary school places and where appropriate contributions towards new preschool facilities;
  - an extension of Whitecross High School to increase capacity from a 6 form entry to 7 form entry school, with commensurate school playing field provision
  - a neighbourhood community hub to meet any identified need for small scale convenience retail, community meeting space, health provision, indoor sports and other community infrastructure/facilities where appropriate;
- 9.200 As this submission has been brought forward as the 'first phase of the wider allocated site', the above elements have not been included, however in line with planning policy where the development is expected to have the potential for an adverse effects due to the additional pressure put on existing facilities by the increased local population, the implementation of mitigation (in the form of Section 106 ('s106') obligations) has been secured and this has been detailed with the draft heads of terms as per para 9.200 and the proposed mitigation measures proposed will ensure that the development in accordance with Policy SC1 and HD5.

### **Other matters and non-material planning considerations**

- 9.201 Active Travel England: Active Travel England (ATE) is a statutory consultee for all new major applications. The following application will trigger an ATE consultation are as follows:
- 150 + residential units;
  - 7,500 sqm + commercial use; and
  - Developments with a site area of 5 hectares or more.
- 9.202 However due to the timings of the submission of this application (before 1st June 2023), there is no requirement to formally consult with ATE.

### **Planning Balance and Conclusion**

- 9.203 The application proposal plays a significant role in the Three Elms Strategic Allocation (HD5) and delivering this site provides substantial benefits, including:
- Addressing the urgent need for housing, including affordable housing, within the allocated plan period up to 2031 and beyond, by providing 350 homes on part of an allocated site.
  - Generating economic benefits through on-site employment during the construction phases.
  - Providing infrastructure for the wider allocation as well as a park and chose.

- In environmental terms the scheme offers the ability to mitigate flooding locally and also offers improved access to public transport and opportunities for cycling and walking to prospective inhabitants and wider population.

- 9.204 However, it is not surprising that a development proposal of this scale raises various issues and concerns, leading to potential tensions and conflicts with other policy interests. Consequently, a considerable amount of time has been invested in reviewing, assessing, and refining the submission documents to understand and shape the necessary mitigation strategies. These strategies are intended to ensure that the new homes, and other components of this development proposal are capable of being sustainable
- 9.205 This process included extensive discussions with consultees regarding the planning obligations needed to make the development acceptable from a planning perspective. These obligations must be directly related to the development and should be fair and reasonable in scale and kind.
- 9.206 As advised above the proposed development forms part of a strategic site and would deliver 350 dwellings, care home and park and ride and the application is for outline permission with all matters reserved except for Access. Therefore, it is only the principle of development that is to be assessed. The quantum of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.
- 9.207 The site is in Hereford City and within walking and cycling distance of the Hereford as well as the local highway network and existing services and facilities within Hereford City. It is therefore considered to be a sustainable location. The proposed layout as shown within the illustrative masterplan part of first phase of a strategic site 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 as per policy HD5.
- 9.208 In terms of the NPPF the harm identified to designated heritage assets would come at the moderate level of the "less than substantial" category in paragraph 215.
- 9.209 In weighing the above less than substantial harm against the public benefits of the proposal, as required in paragraph 215 of the NPPF, officers consider that, the public benefits of the scheme including the delivery of housing and affordable housing clearly outweigh the identified moderate level of less than substantial harm to heritage assets.
- 9.210 With no five year supply of housing land in Herefordshire, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 77) or where the Housing Delivery Test indicates that the delivery of housing was substantially below 75% of the housing requirement when measured over the previous three years.
- 9.211 As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision taking this means, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed: or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 9.212 In this case there are no specific policies in the NPPF that indicate development should be restricted and therefore paragraph 11d) is considered not to be engaged for the purposes of this application. Accordingly, an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 9.213 The contribution the scheme makes to the supply and delivery of housing in the county is a significant material consideration in favour of the scheme. In environmental terms the scheme offers the ability to mitigate flooding locally and also offers improved access to public transport and opportunities for cycling and walking not just to prospective inhabitants, but the wider population. These opportunities arise from the park and choose facility, and upgrades to walking and cycling infrastructure that will be delivered by the developer.
- 9.214 Officers acknowledge that there will be impacts associated with the development in regard to the loss of agriculturally productive land, the amenity of the existing public rights of way and there is no doubt the proposal will alter the current residents' experience of the 'fields', as it will introduce high density development, resulting in increased activity in the area. As well as the less than substantial heritage harm cited to the Huntington conservation area.
- 9.215 The Historic Building Officer advises that the level of harm to significance of the designated heritage assets is less than substantial. Paragraph 215 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. 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 215 are met. 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 HD5, alongside the requirements set out within Chapter 16 of the NPPF.
- 9.216 The Local Highway Authority concluded that the local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, that the proposals as before us now are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space.
- 9.217 NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network. Following extensive discussions with the Local Highway Authority essential mitigation necessary for the delivery of off-site Active Travel (AT) Improvements for the Grandstand Road Corridor and key connections to it so there are alternative and safe options for sustainable travel for future residents of the development site have been secured. The proposals have addressed these requirements with delivery being secured through mechanism such as S278 and Section 106. Officers would conclude that, with the appropriate conditions and legal agreements the proposals meet the requirements of policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.
- 9.218 There are several matters that can be readily satisfied with suitable worded conditions and the planning conditions as detailed below are further necessary to regulate development in accordance with the tests prescribed at paragraph 57 of the NPPF are set out below. Conditions will include provisions relating to the phasing of the development and requirement that the Reserved Matters layout is informed by the revised indicative masterplan and associated parameter plans and the recommendation is subject to the completion of a s106 agreement to

secure the affordable housing, care home, park and choose and provision of the requisite levels of public open space; and financial contributions to mitigate impacts arising on educational infrastructure, the local transport network, off-site sports infrastructure, health care provision and waste collection.

- 9.219 All other matters such as appearance, scale, layout and landscaping will be determined at the reserved matters stage and officers have identified in this report some key issues that will be key to informing an acceptable scheme is brought forward. These include, the layout and design of the dwellings will be crucial at that stage to ensure there is no adverse impact upon any neighbouring properties and as referenced above due the sites location on the edge of the city, high quality design that address climate change as well as recognising key constraints such as existing landscape and biodiversity features and integrating them into the development successfully whilst addressing technical matters such as highway layouts and drainage.
- 9.220 The proposed development will result in a change to the landscape character and therefore create conflict with policy LD1 of the Core Strategy, however this change is to be expected with such change to of use. The impact on visual amenity is only considered to be minor, and there are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The application was submitted prior to Biodiversity Net Gain becoming mandatory and it is not a policy requirement for this Site to provide a 10% net gain. Nonetheless, the application proposals will result in BNG and this is a further benefit of the scheme which attracts moderate weight. The landscape officer and council ecologist do not raise an objection.
- 9.221 Regarding flooding and drainage, the feeling of disquiet by residents is fully acknowledged and representation have been considered as part of this assessment of the proposal. During the application additional clarification has been sought and subsequently reviewed by Lead Local Flood Authority (LLFA) and the LLFA is now able to confirm the principle of the development is now acceptable subject to the inclusion of bespoke conditions as set out below. Similarly, the Environment Agency has, during the application process, withdrawn its original objection.
- 9.222 As detailed above this site forms part of an allocated strategic site and the application site area for this application has been reduced which has removed previous concerns in the form of highway impact. The proposal is for development of part of one of the three strategic allocations around Hereford that are crucial to delivery of the requisite homes over the lifetime of the Core Strategy. is important to stress that this application would deliver housing and this includes affordable housing in Hereford City where there is currently under delivery of dwellings.
- 9.223 The Core Strategy recognises the key role played by the city and states that Hereford will accommodate a minimum of 6,500 new homes within the plan period. This site offers a significant contribution to that total. The principle of development is supported via the Council's adopted policies. The site has been considered in line with the aims of policy requirements as set out in HD5 as reported above. Overall, officers consider that the scheme is well-conceived and capable of delivering the high-quality sustainable development that the Core Strategy envisages.
- 9.224 There would be both economic and social benefits of providing dwellings which would include but not be limited to the initial boost to the local economy during the construction phase, the associated contribution this makes to community vitality and wellbeing, affordable housing, expenditure during construction and the New Homes Bonus (amongst others) and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing as well as a care home would also help to contribute towards a mixed and balanced community. Subject to a well-planned reserved matters scheme, it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of insufficient magnitude to outweigh the benefits of providing dwellings within a sustainable location.



- 9.225 As advised the application has undergone various revisions 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.
- 9.226 Notwithstanding the high number of local objections, no other areas of harm have been identified by statutory consultees, notably the Highway Authority. Material planning considerations in respect of highways, drainage, ecology, landscape, heritage, possible contamination, and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions and/or S106 requirements. 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.
- 9.227 To conclude, 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 and the proposals are considered to represent sustainable development and are generally in accordance with the development plan. Given all the above and having due regard to the 'tilted balance', for the reasons set out above, it is considered that the identified harms do not significantly and demonstrably outweigh the benefits of the scheme and, as such, outline planning permission should be granted. In conclusion, the recommendation is to permit the planning application, subject to completion of a Section 106 Agreement and various planning conditions, which include those recommended by consultees.
- 9.228 Overall, officers conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of this allocated site, and no grounds for refusal have been identified and therefore accord with the policies of the NPPF taken as a whole. It is not considered that the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

## RECOMMENDATION

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement (Draft Agreement to be published for a minimum of 10 working days prior to determination) officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission with all matters reserved except access subject to the conditions below and any other further conditions (or amendments) considered necessary.**

### Standard

- |          |   |
|----------|---|
| <b>1</b> | <b>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of four years from the date of this permission.</b>   |
|          | <b>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990</b>   |
| <b>2</b> | <b>Each phase of the development hereby permitted shall be begun either before the expiration of four 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 for that phase, whichever is the later.</b> |



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

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for a phase shall be obtained from the Local Planning Authority in writing before any development on that phase 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, LD1, LD2, LD3, LD4, HD5, MT1, OS1, OS2 of the Herefordshire Local Plan Core Strategy and the guidance contained within 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:**

- **Three Elms Site Boundary: Ref 00342\_S\_05 Rev P2**
- **105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road**
- **105572-T-006 (Rev M) – Site Access Arrangement Three Elms Road**
- **105572-T-007 (Rev H) – Proposed Whitecross Road Arrangement**
- **105572-T-010 (Rev E) - Proposed Footway/Cycleway Three Elms Road**

**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, SD1, MT1 and HD5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

- 5 The reserved matters applications should be in general in accordance with the following plans:**

- **Building Heights Parameter Plan – 00342\_PP\_03 Rev P5**
- **Updated Parameter Plan: Access – 00342\_PP04 Rev P8**
- **Green Infrastructure Ref - 00342\_PP\_02 Rev P9**
- **Land Use Parameter Plan- 00342 PP\_01 Rev P9**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, MT1 and HD5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

#### **Pre-commencement**

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

- **Residential phases**
- **Infrastructure phases**
- **Care home Phase**
- **Park and Choose**

- Timing of delivery of on-site highway works (including but not limited to on site roads, footways, cycleways)
- Timing of delivery of on-site public open space
- Procedures for amending the phasing plan if subsequently deemed necessary.

The development shall be constructed in accordance with the agreed phasing plan (as may be amended in accordance with this condition).

Reference in this permission to a “phase” shall be a reference to a phase as shown on 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 HD5, SD1, SS4, SS7, MT1, OS3

- 7 Prior to any works or site preparation commencing on a phase, a detailed Construction Environmental Management Plan (CEMP) for that phase – including details of the person responsible for the implementation of the CEMP, 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 phase unless otherwise approved in writing by the local planning authority.

The Plan shall include

#### Construction Management

- Hours of working
- 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

#### Environmental Management

- An arboricultural report relating to any trees on or adjacent to the phase and details of any tree protection measures and method statements for works within root protection areas in accordance with BS5837:2012
- Dust management and mitigation measures
- Ecological risk avoidance measures based on site conditions
- Where a phase includes any headwall or other works within or directly adjacent to the Yazor Brook, ecological working methods and measures to mitigate any likely effects, including biosecurity and direct water quality protection measures. The matters set out in paragraph 6.1 of the Tetra Tech Mitigation Plan dated June 2022
- An Emergency Response Plan addressing the matters set out in paragraph 7.1 of the Tetra Tech Mitigation Plan dated June 2022

**f) Details of how soils will be protected during and after construction**

**Reason:** In the interests of amenity and highways safety and 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 HD5, SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 8** Prior to any works or site preparation commencing on a phase, a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP will detail how the site construction materials and excavated materials are to be managed by the appointed contractor. The plan shall estimate the extent to which on site materials extracted during the proposed development would meet specifications for use on site and outline the amount of material which could be reused on site. For material which cannot be used on-site, the MMP will specify its movement to either an aggregate processing plant or for re-use on another development site. The development shall then be carried out in accordance with the approved MMP. During the construction phase an annual return of material used on site and the amount returned to an aggregate processing plant shall be provided on request to the Local Planning Authority and Mineral Planning Authority.

**Reason:** In the interest of conserving and managing all available mineral across the site and to ensure, manage and co-ordinate the protection and enhancement of the environment in accordance with the requirements of Policies HD5, SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan – Core Strategy and of the Herefordshire Minerals and Waste Local Plan.

- 9** Any reserved matters applications relating to the reserved matter of Landscaping submitted pursuant to Condition 1 shall be accompanied by the following:

A scaled plan identifying:

- Trees and hedgerow to be retained,
- Trees and hedgerow to be removed.
- Details of all proposed planting, accompanied by a written specification setting out the proposed species, size, quantity, density with cultivation details.
- Details of all proposed hardstanding and boundary treatments.

**Reason:** To safeguard and enhance the character and amenity of the area in order to accord with policies HD5, SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

- 10** Prior to the occupation of any dwelling or the care home on a phase, a detailed Landscape Ecological Management Plan for that phase (to include management specifications for relevant features in that phase identified in the Ecological Mitigation Strategy and a minimum 30 year establishment management scheme) shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be complied with.

**Reason:** To ensure the future establishment of the approved scheme, in order to conform with policies HD5, SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

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Prior to the commencement of any development, a site wide Ecological Mitigation Strategy, which addresses ecological protection, mitigation, compensation and enhancement shall be submitted to and approved in writing by the Local Planning Authority, including but not limited to.

- a) Description and evaluation of existing ecological features to be retained and managed, and the purpose and conservation objectives for the proposed works;
- b) A minimum 10 m buffer along the length of the Site's northern boundary as outlined on drawing PP-09-P9 (to be excluded from the curtilage of residential plots and with no public access – access to this area shall be for management purposes only)
- c) The retention and enhancement of the boundary hedgerow on the northern boundary of the Site

d) For Otters:

- (i) No new bridge crossings on the Yazor Brook.
- (ii) Retention of the Yazor Brook and associated riparian habitats with a minimum 20 m buffer between the watercourse and built development.

e). For Skylarks:

- (i) 11.59 ha of green space (47%) to be provided with 50% as managed species-rich grassland for wildlife (including for the nesting skylark) and 30% for amenity (the detailed location to be confirmed at the reserved matters stage)
- (ii) Other habitats and mitigation as outlined in the Extended Phase 1 survey by EDP dated September 2021 of the Ecological briefing note by EDP dated December 2023

f) The installation of a minimum of 175 bird nesting boxes (mixed types), 105 bat roosting features (such as bat boxes or bricks), 35 insect habitats, 35 hedgehog homes and hedgehog highways through impermeable boundary features

The reserved matters applications submitted pursuant to condition 1 shall be in broad compliance with the approved Strategy.

**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 HD5, SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency and the National Planning Policy Framework

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The Off-Site Active Travel Measures referred to in these conditions shall be the measures shown in principle on Pell Frishmann drawing numbers

[105572-T-001 (Rev J), 105572-T-004 (Rev I), 105572-T-005 (Rev I), 105572-T-009 (Rev F), 105572-T-008 (Rev I), 105572-T-006 (Rev M), 105572-T-023 (Rev D), 105572-T-200001 (Rev I), 105572-T-200002 (Rev G), 105572-T-200003 (Rev H) and 105572-T-200004 (Rev C)], 105572-T-011 Rev E

No development shall commence until full engineering details of the Off-site Active Travel Measures including their specification have been submitted to the Local Planning Authority for approval.

The full engineering details shall include details of pedestrian and cycling priority and improvements, review of speed limits (on Grandstand Road), gateway features, crossings, and junction improvements with the aim of providing improved active travel connectivity to meet design standards and improve safety for all users along the relevant routes.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 and HD5 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 Prior to commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be informed by an assessment of the hydrological and hydrogeological context of the development and shall include additional infiltration testing and the proposed timetable for implementation alongside phases of the development.

The surface water drainage scheme shall contain details of any broken pipes and the management of runoff from Roman Road where relevant. The drainage scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies HD5, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14 Prior to commencement of any development, a detailed foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Welsh Water.

The foul water drainage scheme design shall be informed by an assessment of the hydrological and hydrogeological context of the development and take account of the groundwater vulnerability and sensitive groundwater resources. The scheme shall include the proposed timetable for implementation alongside phases of the development.

The scheme shall be implemented in accordance with the approved details.

Reason: 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.

**15** Prior to commencement of development in a phase an excavation strategy for that phase shall be submitted to and approved in writing by the LPA based on the latest SPZ extents at the time of submission published by the EA and the following principles:

- i. SuDS ponds and flood storage areas constitute 'wide' excavations;
- ii. Lining of SuDS ponds is acceptable as a form of mitigation (with very robust lining in SPZ1);
- iii. Lining of a flood storage area is not considered to be a practical option;
- iv. The strategy should take account of the thickness of till (boulder clay) over the aquifer (as per Appendix E of the 'Flood Risk Assessment & Drainage Strategy' dated 12th June 2024) – this applies to both the left and right banks of Yazor Brook and permeability should also be considered;
- v. All excavations in SPZs to be minimized to far as reasonably practicable taking account of the overall approach set out below
- vi. In SPZ 1: SuDS ponds are permitted with a very robust lining. No flood storage excavations are permitted.
- vii. In SPZ 2: 2.0m of till cover shall be maintained; save for SuDS ponds where lining is provided, in which case till cover can be reduced to 1.5m.

The scheme shall be implemented in accordance with the approved excavation strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies HD5, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**16** Prior to commencement of any development in a phase the following shall be submitted to and approved in writing by the Local Planning Authority in that relevant phase:

- 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 in that phase 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 HD5, SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 17 Prior to any development commencing in a phase, excluding site preparation works, a detailed plan and specifications for that phase of measures (including the use of natural planting and features and / or artificial fencing and / or similar features and measure to increase public awareness with interpretation-signage) to manage and control the recreational use of footpaths and open space to ensure that there is no disturbance effects to the Yazor Brook wildlife corridor) shall be supplied to the Local Planning Authority for written approval.

The approved plan and specifications shall be implemented in full 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 HD5, SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 18 No development shall take place in a phase until the developer has secured the implementation of a programme of archaeological survey and recording for that phase [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 to approved by the Local Planning Authority.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy HD5 and LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework.

- 19 Prior to commencement of any development in each phase.

A. A geophysical survey to determine the presence and thickness of glacial till across that phase shall be undertaken to inform the design of the:

- Formation & finished floor levels;
- Detailed drainage plans;
- Foundation;
- SuDS basins; and
- Flood storage basins.

The results of the survey shall be submitted to and approved in writing by the Local Planning Authority.

- B. A foundation risk assessment for that phase shall be submitted to and approved by the LPA, supported by results of the geophysical survey and ground investigations for that phase and on-site and laboratory testing as appropriate.**

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

**Reason: To ensure any necessary surveys are undertaken to ensure that the site is satisfactorily assessed and to comply with Policy HD5, SD1 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

- 20 Prior to any development commencing on site a Bus Service and Infrastructure Audit shall be submitted to and approved by the Local Planning Authority in writing following consultation with Local Highway Authority.**

The development shall not be occupied until the approved works as listed within the Bus Service and Infrastructure Audit have been constructed in accordance with the approved details.

**Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD5 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].**

- 21 Prior to any development commencing on site a Resource Audit shall be submitted to the local planning authority including the following;**

- Details of how the site excavated materials are to be managed on site;
- For excavated material which cannot be used on site, the proposals for movement to either an aggregate processing plant or for re-use on another development site;
- Details of 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 (during the construction phases);
- Any on-site waste recycling facilities to be provided (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:** In the interest of conserving and managing all available materials across the site and to ensure that the treatment and handling of any site waste is managed and co-ordinated in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SP1 of the Herefordshire Minerals and Waste Local Plan, Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 22** Development shall not begin in relation to each of the specified highways works to be undertaken at the Whitecross Roundabout and Three Elms Road vicinity until details of the relevant 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 development shall not be occupied until the scheme at Three Elms Road has been constructed in accordance with the approved details. Prior to occupation of the 25<sup>th</sup> dwelling, the scheme at Whitecross Road shall be constructed in accordance with the approved details.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD5 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

#### **Pre-occupancy or other stage**

- 23** Prior to the first occupation of any dwelling within any residential phase, 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 within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works serving each dwelling shall be carried out in accordance with the approved details prior to the occupation of that dwelling.

**Reason:** To address the requirements policies in relation to climate change HD5, 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

- 24** The Off-site Active Travel Measures and mitigation as set out in condition 12 and subsequently approved by the Local Planning Authority will be practically completed and open for use prior to the occupation of the 25th dwelling, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 and HD5 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

- 25** Prior to the first occupation/use of the development hereby approved, a Travel Plan for the residential development, which contains measures to promote alternative sustainable means of transport for occupiers of and

visitors to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall be implemented on the first occupation of any dwellings.

A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually for a minimum of 10 years. 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 HD5, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 26 Prior to the first occupation/use of the Care Home, a Travel Plan for the care home which contains measures to promote alternative sustainable means of transport for staff and visitors to the care home shall be submitted to and 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 care home. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies HD5, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 27 The reserved matters applications submitted pursuant to Condition 1 relating to dwellings shall be accompanied by an Acoustic Design Statement which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met.

The Acoustic Design Statement shall evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open) and include an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise\* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health.

The approved measures for each dwelling shall be implemented before the first occupation or use of that dwellings and thereafter maintained.

Reason: In the interests of the residential amenity of future residents in accordance with policy HD5 and SD1 of The Herefordshire Core Strategy and National Planning Policy Framework.

- 28 The Remediation Scheme, as approved pursuant to condition no. 16 above, shall be fully implemented before the development is first occupied in each phase. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied.

Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

#### Compliance Conditions

- 29 The approved bird nesting boxes, bat roosting features, insect habitats, hedgehog homes and hedgehog highways shall be maintained 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 HD5, LD1, LD2 and LD3.

- 30 The reserved matters applications submitted under condition 1 relating to a residential phase shall be accompanied by a scheme demonstrating measures for the efficient use of water, as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy.

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

Reason: To ensure compliance with Policies HD5, SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 31 The flood storage areas shall be carried out in accordance with the drawing reference A072489-2 TTE 00 ZZ PL C SK008 P09 (or any revised drawings approved by the Local Planning Authority to reflect the outcome of the geophysical survey) and in compliance with the approved excavation strategy requirements of Section 10.1 of the Tetra Tech Mitigation Plan in the relevant phase unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure compliance with Policies HD5, SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 32** As part of the reserved matters relating to Layout application a continuous and direct segregated footway/ cycleway (minimum of 3m in width) will provide a connection between the A4103 Roman Road and Three Elms Road through the site with connections leading directly to both the eastern site access junction and the Three Elms Road/Grandstand Road junction.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting walking and cycling and to confirm with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 33** The reserved matters applications submitted under condition 1 shall include where relevant details for the provision for open space and play areas in accordance with the standards adopted by the Local Planning Authority.

The play area and open space shall be constructed in accordance with the approved details and be completed 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 the requirements of Policies HD5, OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34** All foul water shall discharge to a 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 HD5, SS1, SS6, SD3, SD4 and LD2.

- 35** As detailed in the Flood Risk Assessment (784-A072489-2 Rev 11) by Tetra Tech all additional surface water shall be managed by swales with an attenuated direct discharge to the Yazor Brook.

**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 HD5, SS1, SS6, SD3, SD4 and LD2.

- 36** Details of any floodlighting and external lighting in each phase proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in that phase.



Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and to comply with Policies, LD2, HD5 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 37 If, during development, contamination not previously identified is found to be present at the site then no further development on that part of the site (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, a remediation statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policies HD5 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 38 The construction of the northern and eastern vehicular accesses shall be carried out in accordance with the details shown on (105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road) and 105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road to a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform with the requirements of Policies HD5 and 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 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.
- 3 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

- 4            This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 5            This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 6            No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

- 7            The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as

public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

- 8 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 9 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 10 The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
- 11 In connection with the travel plan Conditions above, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.
- 12 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.
- 13 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public

sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 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.

- 14 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 PQA Page 12 of 15 enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.
- 15 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Decision: .....

Notes: .....

.....

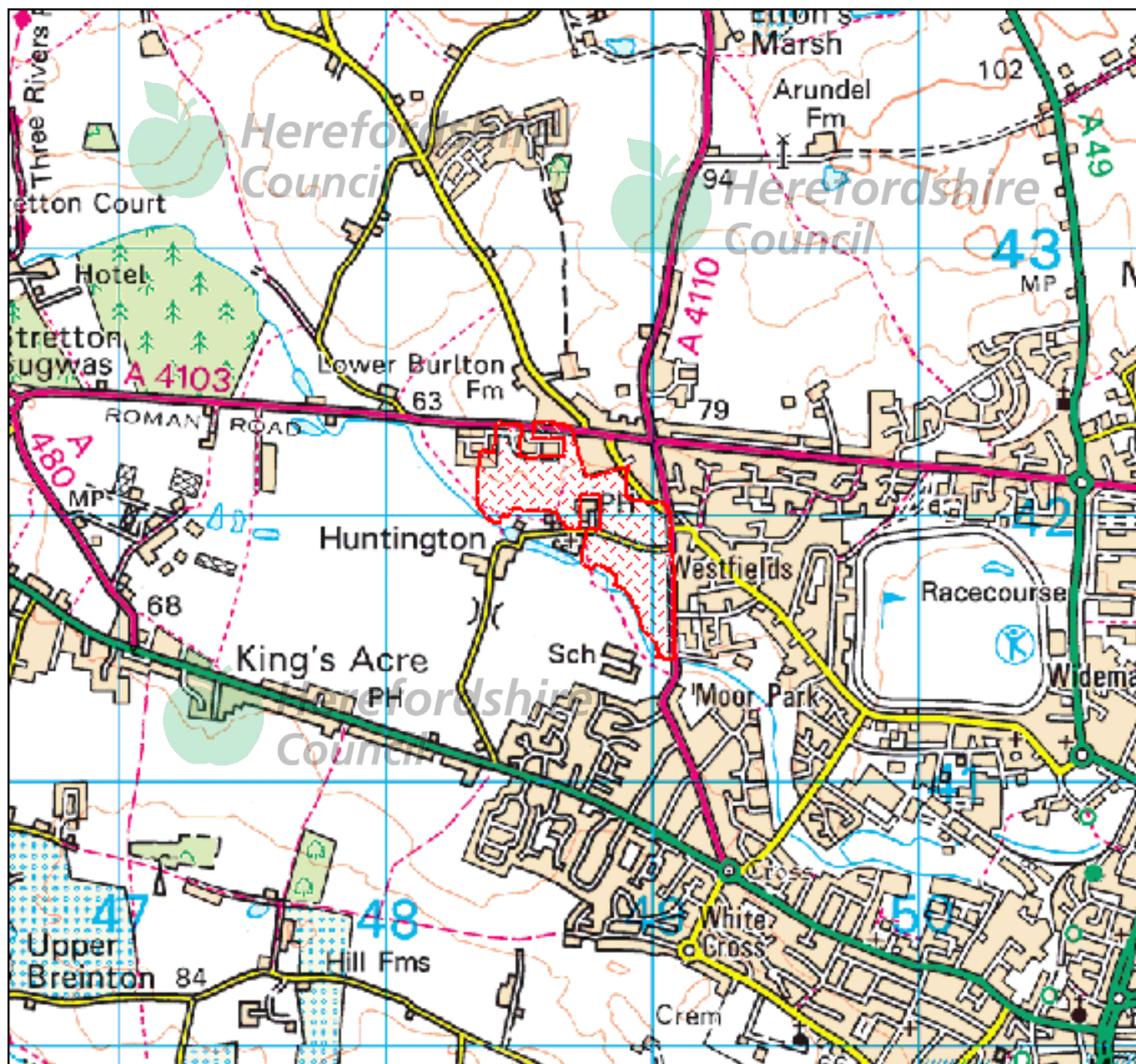
## Background Papers

None identified.

## Appendices:

- Appendix: 1: Illustrative Masterplan
- Appendix: 2: Access Parameters Plan
- Appendix 3: Buildings Height Parameters Plan
- Appendix 4: Green Infrastructure Parameters Plan
- Appendix 5: Land Use Parameters Plan





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**APPLICATION NO:** 222138

**SITE ADDRESS :** LAND AT THREE ELMS, NORTH EAST QUARTER, TO THE NORTH EAST OF HUNTINGDON AND BOUNDED, BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7RA

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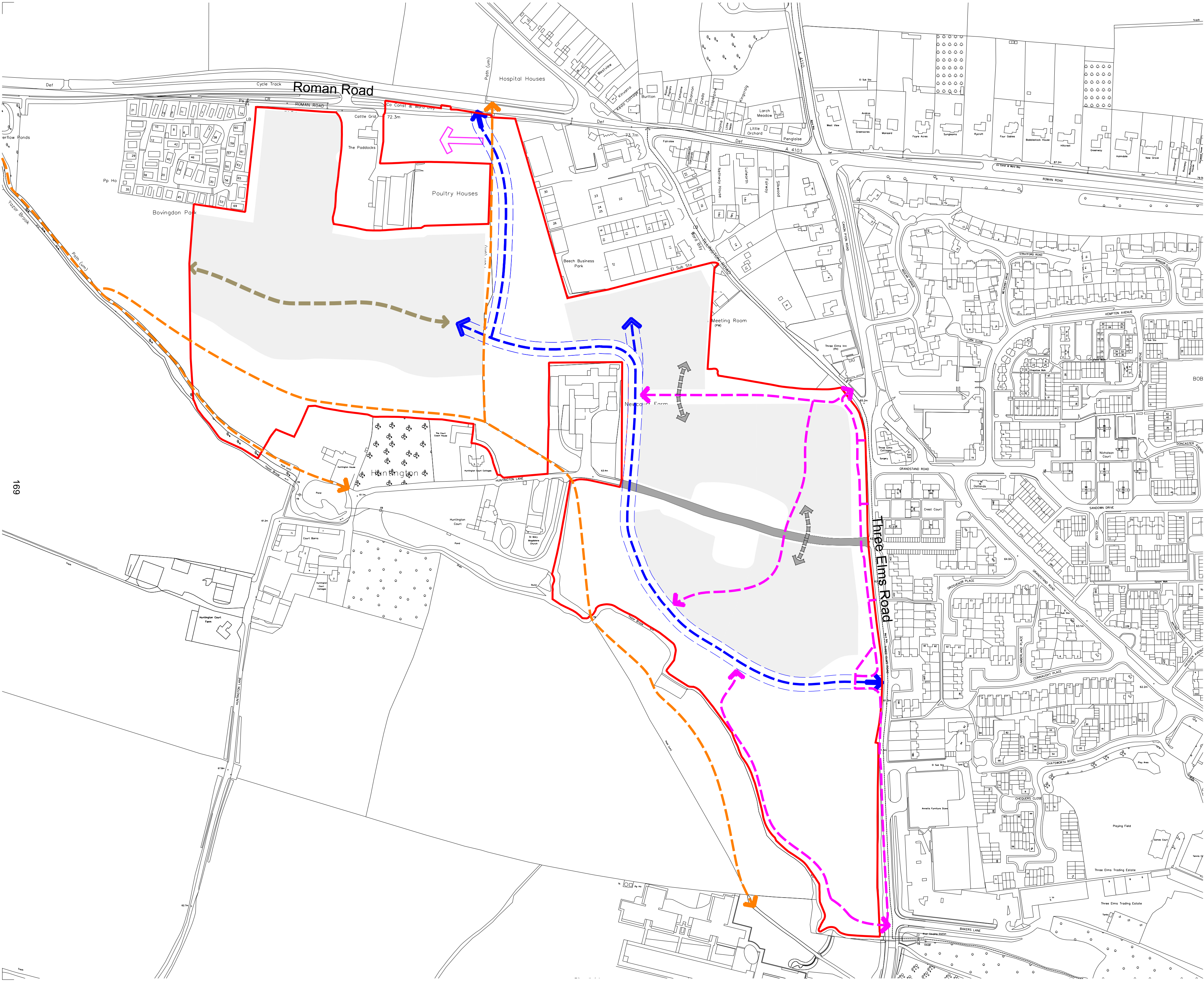
Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453











Notes:  
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- Key
- Application Boundary (24.9ha)
  - Vehicular access points
  - Primary road corridor (alignment subject to centre line deviation limits of +/- 10m)
  - Proposed pedestrian and cycle connection (indicative location, exact alignment to be confirmed at detailed design stage)
  - Existing Public Right of Way
  - Indicative alignment of cross parcel permeability (to be achieved through minor streets and footpaths/ cycleways)
  - Huntington Lane - pedestrian/ cycle/ emergency vehicle route (vehicular crossing where required)
  - Indicative location of proposed tertiary road, pedestrian/ cycle link
  - Indicative location of access to Park & Choose facility
  - Residential use (To include secondary and tertiary streets, footways, cycleways and incidental open space)

P8	12.06.24	Green buffer south of The Paddocks increased	LB	VB
P7	31.08.23	Modified pedestrian and cycle connections	AG	VB
P6	03.01.23	Modified pedestrian and cycle connections	AG	VB
P5	24.11.22	Developable area and site boundary amended	AG	VB
P4	14.06.22	Developable area amended	VB	GP
P3	16.02.22	real areas added	VB	GP
P2	25.01.22	Key amended	VB	GP
P1	17.01.22	First Issue	VB	GP

Rev	Date	Description	Drawn	Chkd
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Drawing Status

## PLANNING

Client  
Church Commissioners for England



Project  
Land at Three Elms, Hereford

Drawing Title

## Three Elms North East Quarter Access Parameter Plan

Scale @ A2 1:2500 Job Ref. 00342

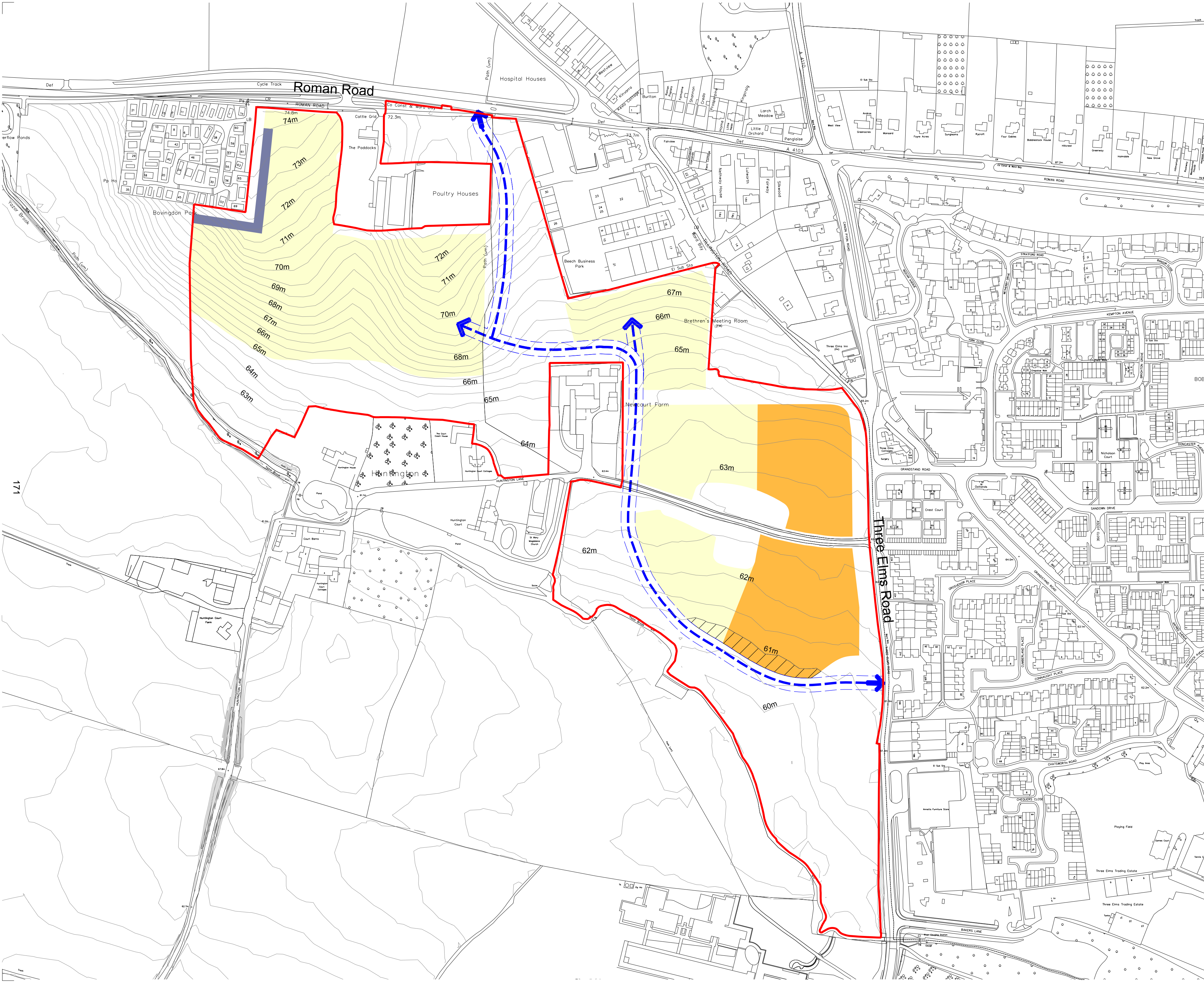
Drawing No. 00342\_PP\_04 Revision P8

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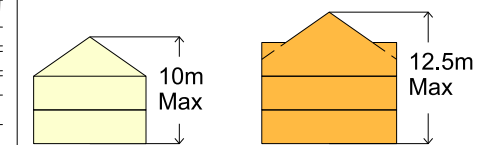




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- Key
- Application Boundary (24.9ha)
  - Vehicular access points
  - Primary road corridor
  - Up to 2 storeys (10m max ridge height from existing ground levels +/- 1m)
  - Up to 3 storeys (12.5m max ridge height from existing ground levels +/- 1m)
  - Up to 2 storeys (10m max ridge height from existing ground levels +/- 1.25m)
  - Up to 3 storeys (12.5m max ridge height from existing ground levels +/- 1.25m)
  - 10m wide buffer (to include only open spaces/ gardens/ ancillary structures/ parking)
  - 0.5m existing ground levels



P5	12.06.24	Green buffer south of The Paddocks increased	LB	VB
P4	24.11.22	Developable area and site boundary updated	AG	VB
P3	14.06.22	Developable area amended	VB	GP
P2	16.02.22	Key amended	VB	GP
P1	17.01.22	First issue	VB	GP

Rev	Date	Description	Drawn	Chkd
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Drawing Status

## PLANNING

Client  
Church Commissioners for England



Project  
Land at Three Elms, Hereford

Drawing Title

## Three Elms North East Quarter Building Heights Parameter Plan

Scale @ A2 1:2500 Job Ref. 00342

Drawing No. 00342\_PP\_03 Revision P5

Scale Bar 0 20 40 60m









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- Key
- Application Boundary (24.9ha)
  - Vehicular access points
  - Primary road corridor
  - Proposed pedestrian and cycle connection
  - 10m wide buffer to Bovington Park (to include only open space/ gardens/ ancillary structures/ parking)
  - Existing Public Right of Way
  - Open space (includes Yazor Brook, Yazor Brook flood storage areas and functional flood plain, POS, children's play areas, existing hedgerows, existing utilities and exclusion areas, buffers, pedestrian and cycle links, SuDs and some elements of secondary and tertiary roads)
  - Indicative location of play area
  - Buffer zone/ planting (5-15m)
  - Huntington Lane - pedestrian/ cycle/ emergency vehicle route
  - Existing trees and hedgerows substantially retained

Rev	Date	Description	Drawn	Chkd
P1	17.01.22	First Issue	VB	GP
P3	16.02.22	Key amended	VB	GP
P4	14.06.22	Developable area amended	VB	GP
P5	24.11.22	Developable area and site boundary updated	AG	VB
P6	02.12.22	Increase buffer zone planting	AG	VB
P7	03.01.23	Modified pedestrian and cycle connections	AG	VB
P8	31.08.23	Modified pedestrian and cycle connections	AG	VB
P9	12.08.24	Green buffer south of The Paddocks increased	LB	GP

Drawing Status  
**PLANNING**  
Client  
Church Commissioners for England

**jtp**  
JTP Studios  
Unit 5, The Rum Warehouse  
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London, E1W 2AP  
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Project  
Land at Three Elms, Hereford

Drawing Title  
**Three Elms North East Quarter  
Green Infrastructure Parameter Plan**  
Scale @ A2 1:2500 Job Ref. 00342  
Drawing No. 00342\_PP\_02 Revision P9  
Scale Bar 0 20 40 60m







Notes:  
Do not scale from this drawing.  
All contractors must visit the site and be responsible for taking and checking Dimensions.  
All construction information should be taken from figured dimensions only.  
Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.  
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- Key
- Application Boundary (24.9ha)
  - Vehicular access points
  - Primary road corridor
  - Proposed pedestrian and cycle connection
  - Existing Public Right of Way
  - Indicative alignment of cross parcel permeability
  - Huntingdon Lane - pedestrian/ cycle/ emergency vehicle route
  - Indicative location of proposed tertiary road, pedestrian/ cycle link
  - Indicative location of access to park & choose facility
  - Residential use (C3) (to include a care home (C2), secondary and tertiary streets, footways, cycleways and incidental open space)
  - Park & choose (to include planting where it adjoins residential use)
  - Open space (details of the open space can be found on the open space parameter plan)
  - Existing trees and hedgerows substantially retained

Indicative location of underground utilities (exclusion zones to be provided on either side upon determination of the exact location of the utilities):

- 8m exclusion zone either side of raw water main
- 3m exclusion zone either side of water main

Rev	Date	Description	Drawn	Chkd
P1	17.01.22	First Issue	VB	GP
P2	25.01.22	Key updated	VB	GP
P3	16.02.22	Key updated	VB	GP
P4	14.06.22	Developable area updated	VB	GP
P5	24.11.22	Developable area and site boundary updated	AG	VB
P6	03.01.23	Modified pedestrian and cycle connections	AG	VB
P7	30.08.23	Modified pedestrian and cycle connections	VB	GP
P8	04.06.23	Key updated	VB	GP
P9	12.06.24	Green buffer south of The Paddocks increased	LB	GP

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Land at Three Elms, Hereford

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Land Use Parameter Plan**

Scale @ A2 1:2500 Job Ref. 00342  
Drawing No. 00342\_PP\_01 Revision P9  
Scale Bar 0 20 40 60m





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>19 NOVEMBER 2025</b>
<b>TITLE OF REPORT:</b>	<b>251073 - PROPOSED TWO-STOREY EDUCATIONAL BUILDING WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS. AT AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY</b>  <b>For: Herefordshire Council per Mr Gareth Hooper, 11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ</b>
<b>WEBSITE LINK:</b>	<a href="#">Planning Application Details - Herefordshire Council</a>
<b>Reason Application submitted to Committee – Herefordshire Council application</b>	

**Date Received: 31 March 2025****Ward: Aylestone Hill****Grid Ref: 352382,240774****Expiry Date: 4 July 2025**

Local Member: Cllr Adam Spencer (Aylestone Hill Ward member)

Adjoining Local Member: Cllr Frank Cornthwaite (Holmer Ward member)

## 1.0 SITE DESCRIPTION

- 1.1 The application site relates to Aylestone High School (Use Class F1), and amounts to approximately 5.64 hectares. It is located in northeastern Hereford and comprises several teaching blocks, playing fields, and sports pitches. Surrounding uses include Broadlands Primary School to the west, the Beacon College SEND facility to the east, and Herefordshire and Ludlow College / Hereford Sixth Form College to the south, with residential areas bordering the site. Access is via Broadlands Lane to the north and Eastnor Drive to the east, connecting to the A465 Aylestone Hill. The site has a number of parking spaces, which are noted as often being over capacity, and minimal cycle parking. Heritage assets include the Grade II-listed Aylestone School building and nearby Athelstan Hall. Ecologically, the site is located close to the Broadlands Local Nature Reserve and the River Lugg SSSI. The site is in Flood Zone 1.

## 2.0 PROPOSAL

- 2.1 The application seeks full planning permission for a two-storey educational building with landscaping and infrastructure works at Aylestone High School. The school currently operates as a 3-form entry (450 pupils) and would expand to 5-form entry (750 pupils) following Herefordshire Council's Cabinet approval in February 2023. The new building would therefore, support this expansion, whilst remaining below the historic capacity of 1,250 pupils.
- 2.2 The proposed building would be located along the southern boundary, replacing part of the existing playing fields. It includes 13no. classrooms, a sports hall, music facilities, staff spaces, and accessible features including a lift. Main access would be from the north, with additional

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

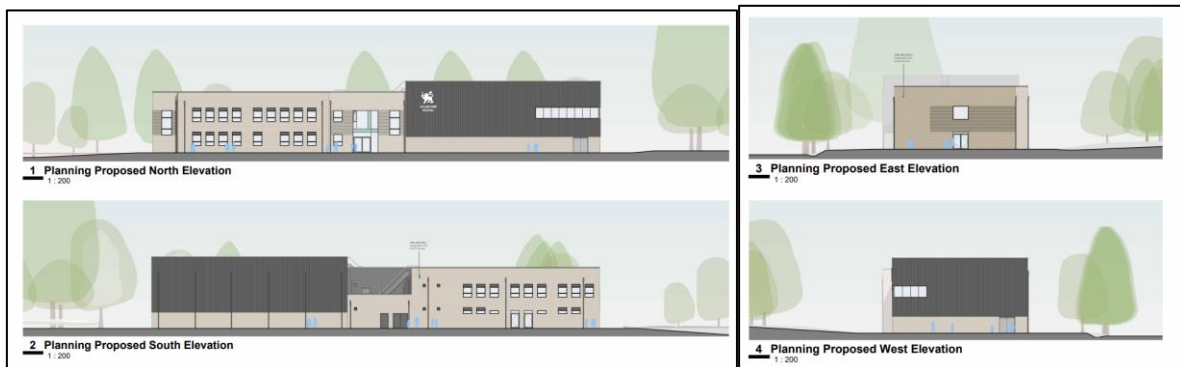


entry points for sports hall use and community access outside school hours. The new block replaces informal sports space, which would be relocated on-site. The deteriorated MUGA would be repurposed for parking, with no loss of sports provision. An extract of the proposed masterplan is illustrated at **Figure 1**. for ease of reference. All plans are accessible via the link to the HC planning website above.



**Figure 1- Proposed Site Landscape Masterplan (Rev 05 – 12/9/25)**

- 2.3 The building would use buff/grey brickwork to match existing structures, with dark cladding on the sports hall. Glazing would highlight entrances and provide natural light, with high-level windows in the sports hall to reduce glare and maintain safety. Extract of proposed plans inserted below.



**Figure 2 - Proposed General Arrangement Building Elevations – Rev P04 (10/09/25)**

- 2.4 The revised layout now includes a widened one-way loop with 24 drop-off spaces, extra parking (including EV chargers), a bus layby, and improved cycle storage. A new pedestrian loop to provide for safe access and separation from vehicles is also included.

### 3.0 PLANNING POLICY

#### 3.1 Herefordshire Local Plan – Core Strategy

- SS1 Presumption in favour of sustainable development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness

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



SS7	Addressing climate change
HD1	Hereford
SC1	Social and community facilities
OS1	Requirement for open space sport and recreation facilities
OS2	Meeting open space, sport and recreation facilities
OS3	Loss of 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
SD2	Renewable and low carbon energy
SD3	Sustainable water management
SD4	Waste water treatment and river water quality

### 3.2 National Planning Policy Framework

Chapter 2. Achieving sustainable development  
 Chapter 3. Plan-making  
 Chapter 4. Decision-making  
 Chapter 8. Promoting healthy and safe communities  
 Chapter 9. Promoting sustainable transport  
 Chapter 10. Supporting high quality communications  
 Chapter 12. Achieving well-designed 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

## 4.0 PLANNING HISTORY

4.1 None relevant

## 5.0 CONSULTATION SUMMARY

### Statutory Consultees

5.1 Sports England - Object; -

5.1.1 10/10/25 - We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and its Impact on playing field

The proposal at Aylestone School entails the erection of a new two-storey educational building which will contain a sports hall (3 court), PE storage equipment area, changing rooms, toilets, 7 new classrooms and a music room. It is also proposed that additional car parking will be sited on an existing hardcourt PE area.

The proposed building (associated hard informal space and footpaths), relocated shelter, BNG planting and SUDs will be sited on playing field land which has been marked out for training grids, rounders and utilised for football as displayed in the below Google Earth images. It is also noted that as part of a withdrawn planning application (ref 174769) for a 3G pitch at the site (see below plan) the proposed area for the teaching block was identified for a relocated mini rugby pitch.

It is also noted that BNG planting is proposed on the schools western playing field land on an area which has been marked out summer sports throwing activities and close proximity to pitches which have been marked out.

The proposal also results in the loss of a two court MUGA through the provision of a car park, with no replacement provision proposed. As such, the development would reduce the amount of playing field land capable of accommodating a pitch and results in the loss of a two court MUGA.

In terms of temporary impacts, it is proposed that a site compound (and associated works) will be located on playing field land and part of a MUGA.

#### Assessment against Sport England's Playing Fields Policy and NPPF

The proposal entails the provision of a new school building which incorporates a sports hall, PE storage equipment area and changing room provision on playing field land.

As such, the sports hall and its ancillary provision element of the proposal is considered against Sport England exception 5, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Sport England assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);

fully secures sport related benefits for the local community;

helps to meet identified sports development priorities;

complies with relevant Sport England and NGB design guidance;

improves the delivery of sport and physical education on school sites; and

is accessible by alternative transport modes to the car.

#### Need for the Facility

The Council's Indoors and Built Sports Facilities Strategy (IBSFS) undertakes an assessment of sports halls demand for the authority. The IBSFS highlights that the proposal site includes 2no 1 court sports hall, though due to the size of the halls they are not included within the assessment of need. The IBSFS states that in general Herefordshire is well served in terms of the number and coverage of sports halls, with them being well used by a variety of sports clubs and

community groups. The IBSFS key recommendations for sports halls include the need to improve the quality of existing provision, increase hours of access at sites and secure community use agreements at unsecure sites. Specific sport recommendations include supporting access to sports halls and sports development for netball, basketball and cricket (provision of indoor nets).

Based on the above, there is not a specific need for additional sports hall provision identified within the IBSFS with the provision principally meeting the needs of the school. However, access to a 3-court sports hall will support the development of sport as identified within the IBSFS and supports a range of sports clubs and county sports association desire to access to such a facility as identified within the submitted Planning Statement.

Sport England consider that whilst the IBSFS does not identify a shortfall in sports hall provision there would be benefits of replacing the existing sports halls with a more modern facility better suited to meeting community needs and curricular requirements. The provision would provide greater capacity and benefit the local community with access being secured by a community use agreement.

Given the above, this bullet point is broadly met.

#### Technical Suitability

With regards to technical suitability, the information submitted confirms that the sports hall will be a 3 court hall with an internal height over the sports hall of at least 7.5 metres. An equipment store is proposed accessed via two double doors from the hall, though the area is slightly smaller than 12.5% of the sports hall area as recommended by Sport England's Sports Hall Design and Layouts Design Guidance Note.

Sport England are supportive of the layout of the changing rooms with the provision of shower cubicles and no urinals being present making it more flexible in use and inclusive for users. The staff changing accessible rooms could also be utilised as a match officials' room.

It is also understood that the existing sports hall will be retained and as such it might be beneficial to utilise this hall for exams with the new sports hall being solely utilised for sporting purposes only, reducing damage to court surface from table and chairs.

Therefore, it is considered that this consideration point is broadly met. The applicant should ensure that the detailed internal design of the sports hall meets the requirements of the envisaged sports to be undertaken (such as surface and lighting).

#### Improves the delivery of sport and physical education on school sites

The submitted Design and Access Statement (DAS) states that the sports hall will meet the needs of the increased pupil number and highlights that the range of sporting activities which can be undertaken within the two existing sports halls is limited due to the size, height and presence of windows. The proposed sports hall will provide an improved sports facility which can be utilised for greater number of sports and the DAS states the provision will also offset outdoor sports PE area which the school is in deficit of (which decreases even further following the development).

It is noted that the DAS states that the new proposal is sited on the existing soft outdoor PE space, though this area is not large enough to accommodate a football or a rugby pitch. Further to this, the DAS states that the existing softball squares can be relocated with no loss of sports pitches provision with the new building in position. Notwithstanding the additional information document titled Response to Sport England, Sport England considers that the area is capable of accommodating a mini 5v5 soccer pitch and it is noted that the area has been utilised for sporting activity, with the wider playing field where the rounders pitches are to be marked out already being utilised for such provision (as per the above Google Earth imagery). However, on balance when

taking account of the sporting provision of the new block only (not the classrooms) the proposal will improve the delivery of sport and physical education at the school.

Therefore, it is considered that this bulleted point is broadly met.

#### Community Availability

It is welcomed that the DAS states that the sporting provision has been designed to enable community use of the facility, this should be secured via a planning condition. Securing community use of the sports facilities at the site will be in line with the Council's IBSFS and Playing Pitch and Outdoor Sports Strategy (PPOSS).

For information Sport England has produced guidance on drawing up a community use agreement which would assist the applicant - <https://www.sportengland.org/how-we-can-help/facilities-andplanning/planning-for-sport/community-use-agreements>

It is considered that subject to the content of the CUA covering the indoor and outdoor sports provision inclusive of changing room, W/Cs and car parking provision, which should be submitted as part of a planning condition, then this bulleted point on community availability would be met.

#### Sports development

The submitted Planning Statement highlights a range of sporting clubs, county sports association and physical activity groups who have expressed interest in hiring the facility, with it being experienced that access to sports hall provision being limited. Access to the facility by such groups will assist the development of sport providing a training venue and supporting the potential expansion of team numbers as highlighted by Herefordshire Netball.

Therefore, it is considered that this bullet point is met.

#### Local Level of Pitch Provision

The existing playing field land can accommodate mini soccer pitches (43x33m including run off areas) but predominantly it has been utilised by the school for sporting activity such as rounders, training grids and informal football activity. In terms of formal pitch sport the Council's PPOSS highlights that there is spare capacity of 1 match equivalent session for 5v5 mini, which is limited. Additional pitch capacity in the area is restricted by sites not being in community use, sites played at capacity, sites being in the flood zone or pitches being of poor quality. It should be noted that since the PPOSS was undertaken there has been an increase of team numbers from 287 to 413 teams (2024/25) which would place a greater demand on pitches within the authority.

In relation to cricket the area of playing field is not suitable due to its size though it could accommodate a mini/junior rugby pitch, which the PPOSS identifies that there is a shortfall in provision of.

Given the above, the proposal would impact on the flexibility to mark out a range of pitches on playing field. As such, this bullet point is not met.

Based on the above (and as previously commented within Sport England's responded dated 15/5/2025), on balance the sports hall and its ancillary provision would meet Sport England Exception Policy E5. This is with it being acknowledged that whilst there would be a loss of playing field land, the sports hall will provide the school with a modern facility which a range of sporting activities can be undertaken. This would assist in delivering curricular activities and benefit the local community (secured via community use agreement planning condition).

With regards to the classrooms which form part of the new block (and associated informal space) the applicant has not demonstrated that the playing field land, which is capable of forming part of pitch, is surplus to requirement (curricular and community) and no replacement provision is proposed (noting marking pitches on existing playing field is not quantitative replacement). Similarly, the location of some of the BNG planting is on playing field land which has been utilised for sport (summer sports, rounders and training grids) and this would result in the loss of usable playing field land.

It is also noted that the school already has a shortfall in playing field provision which will be exacerbated by the proposal and increased pupil numbers. As such, the non-sporting elements of the proposal would not meet Sport England exception policies E1 and E4. Whilst it is noted that the applicant has set out its reasoning for the two elements of the scheme namely sports provision and classrooms being together, this does not overcome the non-compliance with policy but the case officer will need to have consideration to these matters when assessing the scheme against all relevant policies.

With regards to the BNG planting there are other locations on the site where this can be provided without impact on useable playing field land. The applicant should review the location and have regard to Sport England's BNG guidance <https://www.sportengland.org/guidance-and-support/facilities-andplanning/planning-sport/our-planning-role-guidance-and-tools/BNG>

In relation to the loss of hard-court PE area, Sport England note that school has additional provision beyond its BB103 requirement, prior to and following the development. However, the overprovision of hard-court PE area provides additional areas for sporting activity to offset the shortfall of soft outdoor PE (pitches) area. It is also acknowledged though that the hard-court area proposed to be lost is impacted by tree roots which inhabits sporting activities. The PPOSS identifies that the quality of the remaining courts needs to be improved through enhanced levels of maintenance, such improvements should be explored to benefit curricular activities and community users.

In terms of the temporary impacts on the playing field land and MUGA as a result of the site compound (and associated works), Sport England would recommend that the sporting provision is reinstated to at least equivalent quality. As part of this, an existing condition survey should be undertaken and a scheme of works for the restoration (including a timeframe for the programme of works i.e. growing in period of grass) should be provided, with a timeframe for when the works should be undertaken by i.e. for the playing field land within 1 month of the removal of the site compound (and first growing season).

#### Sport England's position

Given the above, Sport England raises a statutory objection to the proposal as the development as a whole fails to meet any of Sport England Exception Policies or paragraph 104 of the NPPF. As highlighted above, Sport England considers that in isolation the sports hall element of the proposal would meet Sport England Exception Policy E5, subject to a community use agreement condition being secured for the sports provision (indoor and outdoor) and ancillary facilities (changing rooms, W/Cs, car parking) at the site.

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any Sport England grant application/award that may relate to the site.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

- 5.1.2 24/6/25 – We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning



Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

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- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

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The proposal at Aylestone School entails the erection of a new two-storey educational building which will contain a sports hall (3 court), PE storage equipment area, changing rooms, toilets, 7 new classrooms and a music room. It is also proposed that additional car parking will be sited on an existing hardcourt PE area.

The proposed building (associated hard informal space and footpaths), relocated shelter and SUDs will be sited on playing field land which has been marked out for training grids, rounders and utilised for football as displayed in the below Google Earth images. It is also noted that as part of a withdrawn planning application (ref 174769) for a 3G pitch at the site (see below plan) the proposed area for the teaching block was identified for a relocated mini rugby pitch.

The proposal also results in the loss of a two court MUGA through the provision of a car park, with no replacement provision proposed.

As such, the development would reduce the amount of playing field land capable of accommodating a pitch and results in the loss of a two court MUGA.

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Sport England assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);

fully secures sport related benefits for the local community;

helps to meet identified sports development priorities;

complies with relevant Sport England and NGB design guidance;

improves the delivery of sport and physical education on school sites; and  
is accessible by alternative transport modes to the car.

#### Need for the Facility

The Council's Indoors and Built Sports Facilities Strategy (IBSFS) undertakes an assessment of sports halls demand for the authority. The IBSFS highlights that the proposal site includes 2no 1 court sports hall, though due to the size of the halls they are not included within the assessment of need. The IBSFS states that in general Herefordshire is well served in terms of the number and coverage of sports halls, with them being well used by a variety of sports clubs and community groups. The IBSFS key recommendations for sports halls include the need to improve the quality of existing provision, increase hours of access at sites and secure community use agreements at unsecure sites. Specific sport recommendations include supporting access to sports halls and sports development for netball, basketball and cricket (provision of indoor nets).

Based on the above, there is not a specific need for additional sports hall provision identified within the IBSFS with the provision principally meeting the needs of the school. However, access to a 3-court sports hall will support the development of sport as identified within the IBSFS and supports a range of sports clubs and county sports association desire to access to such a facility as identified within the submitted Planning Statement.

Sport England consider that whilst the IBSFS does not identify a shortfall in sports hall provision there would be benefits of replacing the existing sports halls with a more modern facility better suited to meeting community needs and curricular requirements. The provision would provide greater capacity and also benefit the local community, with access being secured by a community use agreement.

Given the above, this bullet point is broadly met.

#### Technical Suitability

With regards to technical suitability, the information submitted confirms that the sports hall will be a 3 court hall with an internal height over the sports hall of at least 7.5 metres. An equipment store is proposed accessed via two double doors from the hall, though the area is slightly smaller than 12.5% of the sports hall area as recommended by Sport England's Sports Hall Design and Layouts Design Guidance Note.

Sport England are supportive of the layout of the changing rooms with the provision of shower cubicles and no urinals being present making it more flexible in use and inclusive for users. The staff changing accessible rooms could also be utilised as a match officials' room.

It is also understood that the existing sports hall will be retained and as such it might be beneficial to utilise this hall for exams with the new sports hall being solely utilised for sporting purposes only, reducing damage to court surface from table and chairs.

Therefore, it is considered that this consideration point is broadly met. The applicant should ensure that the detailed internal design of the sports hall meets the requirements of the envisaged sports to be undertaken (such as surface and lighting).

Improves the delivery of sport and physical education on school sites

The submitted Design and Access Statement (DAS) states that the sports hall will meet the needs of the increased pupil number and highlights that the range of sporting activities which can be undertaken within the two existing sports halls is limited due to the size, height and presence of windows. The proposed sports hall will provide an improved sports facility which can be utilised

for greater number of sports and the DAS states the provision will also offset outdoor sports PE area which the school is in deficit of (which decreases even further following the development).

It is noted that the DAS states that the new proposal is sited on the existing soft outdoor PE space, though this area is not large enough to accommodate a football or a rugby pitch. Further to this, the DAS states that the existing softball squares can be relocated with no loss of sports pitches provision with the new building in position. Notwithstanding the additional information document titled Response to Sport England, Sport England considers that the area is capable of accommodating a mini 5v5 soccer pitch and it is noted that the area has been utilised for sporting activity with the wider playing field where the rounders pitches are to be marked out already being utilised for such provision (as per the above Google Earth imagery). However, on balance when taking account of the sporting provision of the new block only (not the classrooms) the proposal will improve the delivery of sport and physical education at the school.

Therefore, it is considered that this bulleted point is broadly met.

#### Community Availability

It is welcomed that the DAS states that the sporting provision has been designed to enable community use of the facility, this should be secured via a planning condition. Securing community use of the sports facilities at the site will be in line with the Council's IBSFS and Playing Pitch and Outdoor Sports Strategy (PPOSS).

For information Sport England has produced guidance on drawing up a community use agreement which would assist the applicant

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It is considered that subject to the content of the CUA covering the indoor and outdoor sports provision inclusive of changing room, W/Cs and car parking provision, which should be submitted as part of a planning condition, then this bulleted point on community availability would be met.

#### Sports development

The submitted Planning Statement highlights a range of sporting clubs, county sports association and physical activity groups who have expressed interest in hiring the facility, with it being experienced that access to sports hall provision being limited. Access to the facility by such groups will assist the development of sport providing a training venue and supporting the potential expansion of team numbers as highlighted by Herefordshire Netball.

Therefore, it is considered that this bullet point is met.

#### Local Level of Pitch Provision

The existing playing field land can accommodate mini soccer pitches (43x33m including run off areas) but predominantly it has been utilised by the school for sporting activity such as rounders, training grids and informal football activity. In terms of formal pitch sport the Council's PPOSS highlights that there is spare capacity of 1 match equivalent session for 5v5 mini, which is limited with additional capacity being limited by sites not being in community use, played at capacity, being in the flood zone or being of poor quality. It should be noted that since the PPOSS was undertaken there has been an increase of team numbers from 287 to 413 teams (2024/25) which would place a greater demand on pitches within the authority.

In relation to cricket the area of playing field is not suitable due to its size though it could accommodate a mini/junior rugby pitch, which the PPOSS identifies that there is a shortfall in provision of.

Given the above, the proposal would impact on the flexibility to mark out a range of pitches on playing field. As such, this bullet point is not met.

Based on the above (and as previously commented within Sport England's responded dated 15/5/2025), on balance the sports hall and its ancillary provision would meet Sport England Exception Policy E5 with it being acknowledged that whilst there would be a loss of playing field land, the sports hall will provide the school with a modern facility which a range of sporting activities can be undertaken. This would assist in delivering curricular activities and benefit the local community (secured via community use agreement planning condition).

With regards to the classrooms which form part of the new block (and associated informal space) the applicant has not demonstrated that the playing field land, which is capable of forming part of pitch, is surplus to requirement (curricular and community) and no replacement provision is proposed (noting marking pitches on existing playing field is not quantitative replacement). It is also noted that the school already has a shortfall in playing field provision which will be exacerbated by the proposal and increased pupil numbers. As such, this element of the proposal would not meet Sport England exception policies E1 and E4. Whilst it is noted that the applicant has set out its reasoning for the two elements of the scheme namely sports provision and classrooms being together, this does not overcome the non compliance with policy but the case officer will need to have considerations to these matters when assessing the scheme against all relevant policies.

In relation to the loss of hard court PE area, Sport England notes that school has additional provision beyond its BB103 requirement, prior to and following the development. However, the overprovision of hard court PE area provides additional areas for sporting activity to offset the shortfall of soft outdoor PE (pitches) area. It is noted that the hard court area proposed to be lost is impacted by tree roots which inhabits sporting activities. The PPOSS identifies that the quality of the remaining courts needs to be improved through enhanced levels of maintenance, such improvements should be explored to benefits curricular activities and community users.

#### Sport England's position

Given the above, Sport England raises a statutory objection to the proposal as development as a whole fails to meet any of Sport England Exception Policies or paragraph 104 of the NPPF.

As highlighted above, Sport England considers that in isolation the sports hall element of the proposal would meet Sport England Exception Policy E5, subject to a community use agreement condition being secured for the sports facilities at the site (indoor and outdoor).

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any Sport England grant application/award that may relate to the site.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

If you would like any further information or advice, please contact me

- 5.1.3 15/5/25 - We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields

Policy, which is presented within our 'Playing Fields Policy and Guidance Document': [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

all or any part of a playing field, or

land which has been used as a playing field land remains undeveloped, or

land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.

The proposal and its Impact on playing field

The proposal at Aylestone School entails the erection of a new two-storey educational building which will contain a sports hall (3 court), PE storage equipment area, changing rooms, toilets, 7 new classrooms, and a music room. It is also proposed that additional car parking will be sited on an existing hardcourt PE area.

The proposed building (associated hard informal space and footpaths), relocated shelter, and SUDs will be sited on playing field land which has been marked out for training grids, rounders, and utilised for football as displayed in the below Google Earth images. It is also noted that as part of a withdrawn planning application (ref 174769) for a 3G pitch at the site (see below plan) the proposed area for the teaching block was identified for a relocated mini rugby pitch.

The proposal also results in the loss of a two court MUGA through the provision of a car park, with no replacement provision proposed.

As such, the development would reduce the amount of playing field land capable of accommodating a pitch and results in the loss of a two court MUGA.

Assessment against Sport England's Playing Fields Policy and NPPF

The proposal entails the provision of a new school building which incorporates a sports hall, PE storage equipment area, and changing room provision on playing field land.

As such, the sports hall and its ancillary provision element of the proposal is considered against Sport England exception 5, which states:

"The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field."

Sport England assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

meets an identified local or strategic need e.g., as set out in a local authority or NGB strategy (rather than duplicating existing provision);

fully secures sport-related benefits for the local community;

helps to meet identified sports development priorities;



complies with relevant Sport England and NGB design guidance;  
 improves the delivery of sport and physical education on school sites; and  
 is accessible by alternative transport modes to the car.

#### Need for the Facility

The Council's Indoors and Built Sports Facilities Strategy (IBSFS) undertakes an assessment of sports halls demand for the authority. The IBSFS highlights that the proposal site includes 2no 1 court sports halls, though due to the size of the halls they are not included within the assessment of need. The IBSFS states that in general Herefordshire is well served in terms of the number and coverage of sports halls, with them being well used by a variety of sports clubs and community groups.

The IBSFS key recommendations for sports halls include the need to improve the quality of existing provision, increase hours of access at sites, and secure community use agreements at unsecure sites. Specific sport recommendations include supporting access to sports halls and sports development for netball, basketball, and cricket (provision of indoor nets).

Based on the above, there is not a specific need for additional sports hall provision identified within the IBSFS, with the provision principally meeting the needs of the school. However, access to a 3-court sports hall will support the development of sport as identified within the IBSFS and supports a range of sports clubs and county sports association desire to access such a facility as identified within the submitted Planning Statement.

Sport England consider that whilst the IBSFS does not identify a shortfall in sports hall provision, there would be benefits of replacing the existing sports halls with a more modern facility better suited to meeting community needs and curricular requirements. The provision would provide greater capacity and also benefit the local community, with access being secured by a community use agreement.

Given the above, this bullet point is broadly met.

#### Technical Suitability

With regards to technical suitability, the information submitted confirms that the sports hall will be a 3-court hall with an internal height over the sports hall of at least 7.5 metres. An equipment store is proposed accessed via two double doors from the hall, though the area is slightly smaller than 12.5% of the sports hall area as recommended by Sport England's Sports Hall Design and Layouts Design Guidance Note.

Sport England are supportive of the layout of the changing rooms with the provision of shower cubicles and no urinals being present making it more flexible in use and inclusive for users. The staff changing accessible rooms could also be utilised as a match officials' room.

It is also understood that the existing sports hall will be retained and as such it might be beneficial to utilise this hall for exams with the new sports hall being solely utilised for sporting purposes only, reducing damage to court surface from tables and chairs.

Therefore, it is considered that this consideration point is broadly met. The applicant should ensure that the detailed internal design of the sports hall meets the requirements of the envisaged sports to be undertaken (such as surface and lighting).

Improves the delivery of sport and physical education on school sites

The submitted Design and Access Statement (DAS) states that the sports hall will meet the needs of the increased pupil number and highlights that the range of sporting activities which can be undertaken within the two existing sports halls is limited due to the size, height, and presence of windows. The proposed sports hall will provide an improved sports facility which can be utilised for a greater number of sports and the DAS states the provision will also offset outdoor sports PE area which the school is in deficit of (which decreases even further following the development).

It is noted that the DAS states that the new proposal is sited on the existing soft outdoor PE space, though this area is not large enough to accommodate a football or a rugby pitch. Further to this, the DAS states that the existing softball squares can be relocated with no loss of sports pitches provision with the new building in position.

Sport England considers that the area is capable of accommodating a mini 5v5 soccer pitch and it is noted that the area has been utilised for sporting activity with the wider playing field where the rounders pitches are to be marked out already being utilised for such provision (as per the above Google Earth imagery). However, on balance when taking account of the sporting provision of the new block only (not the classrooms) the proposal will improve the delivery of sport and physical education at the school.

Therefore, it is considered that this bulleted point is broadly met.

#### Community Availability

It is welcomed that the DAS states that the sporting provision has been designed to enable community use of the facility; this should be secured via a planning condition. Securing community use of the sports facilities at the site will be in line with the Council's IBSFS and Playing Pitch and Outdoor Sports Strategy (PPOSS).

For information, Sport England has produced guidance on drawing up a community use agreement which would assist the applicant:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

It is considered that subject to the content of the CUA covering the indoor and outdoor sports provision inclusive of changing room, W/Cs, and car parking provision, which should be submitted as part of a planning condition, then this bulleted point on community availability would be met.

#### Sports development

The submitted Planning Statement highlights a range of sporting clubs, county sports association and physical activity groups who have expressed interest in hiring the facility, with it being experienced that access to sports hall provision is limited. Access to the facility by such groups will assist the development of sport providing a training venue and supporting the potential expansion of team numbers as highlighted by Herefordshire Netball.

Therefore, it is considered that this bullet point is met.

#### Local Level of Pitch Provision

The existing playing field land can accommodate mini soccer pitches but predominantly it has been utilised by the school for sporting activity such as rounders, training grids and informal football activity. In terms of formal pitch sport, the Council's PPOSS highlights that there is spare capacity of 1 match equivalent session for 5v5 mini, which is limited with additional capacity being limited by sites not being in community use, played at capacity, being in the flood zone or being of poor quality.

In relation to cricket, the area of playing field is not suitable due to its size though it could accommodate a mini/junior rugby pitch, which the PPOSS identifies that there is a shortfall in provision of.

Given the above, the proposal would impact on the flexibility to mark out a range of pitches on playing field. As such, this bullet point is not met.

Based on the above, on balance the sports hall and its ancillary provision would meet Sport England Exception Policy E5 with it being acknowledged that whilst there would be a loss of playing field land, the sports hall will provide the school with a modern facility in which a range of sporting activities can be undertaken. This would assist in delivering curricular activities and benefit the local community (secured via community use agreement planning condition).

With regards to the classrooms which form part of the new block (and associated informal space) the applicant has not demonstrated that the playing field land is surplus to requirement (curricular and community) and no replacement provision is proposed (noting marking pitches on existing playing field is not quantitative replacement). It is also noted that the school already has a shortfall in playing field provision which will be exacerbated by the proposal and increased pupil numbers.

As such, this element of the proposal would not meet Sport England exception policies E1 and E4. It appears that the opportunity to separate this element of the scheme from the sports block has not been explored fully with this not being the applicant's preference.

In relation to the loss of hard court PE area, Sport England notes that the school has additional provision beyond its BB103 requirement, prior to and following the development. However, the overprovision of hard court PE area provides additional areas for sporting activity to offset the shortfall of soft outdoor PE (pitches) area. It is noted that the hard court area proposed to be lost is impacted by tree roots which inhibits sporting activities. The PPOSS identifies that the quality of the remaining courts needs to be improved through enhanced levels of maintenance; such improvements should be explored to benefit curricular activities and community users.

#### Sport England's position

Given the above, Sport England raises a statutory objection to the proposal as development as a whole fails to meet any of Sport England Exception Policies or paragraph 104 of the NPPF.

As highlighted above, Sport England considers that in isolation the sports hall element of the proposal would meet Sport England Exception Policy E5, subject to a community use agreement condition being secured for the sports facilities at the site (indoor and outdoor).

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any Sport England grant application/award that may relate to the site.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

#### 5.2 Dwr Cymru Welsh Water – comment;

##### 5.2.1 9/10/25 – We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Dwr Cymru Welsh Water has no further comment to make and refer you to our previous responses dated 19/05/2025 reference PLA0087234.

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.

5.2.2 19/5/25 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Having reviewed the proposed Drainage Strategy Note reference BLMS0601-HYD-10-NXX-T-C-0001 which indicated the proposal to connect foul water to the public foul sewer within the site boundary and surface water flows into the public surface water sewerage system. In principle we offer no object to the foul and surface water strategy as proposed however as the proposed surface water connection may require crossing of 3rd party land we advise that permission from the land owners may be required.

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**

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 1.4 l/s.

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.

**Herefordshire Council consultations**

5.3 Area Engineer (Local Highways Authority) – comment;

5.3.1 9/10/25 – The amended Transport Assessment (Stantec, August 2025) has been reviewed in light of the Local Highway Authority's previous comments.

It is acknowledged and welcomed that the revised document addresses the majority of the concerns previously raised, particularly in relation to access, parking, and internal circulation.

**Access & Congestion:**

- The revised Transport Assessment confirms that the internal one-way loop will now be used for both vehicular access and egress, incorporating 24 short-stay parent drop-off spaces. In practice, this equates to around 15 usable spaces, as areas near access points, crossings, and the bus/coach drop-off zone cannot be used for parking when in use.
- This arrangement will enable more effective on-site management of pupil drop-off and collection, thereby reducing congestion and pressure on Broadlands Lane. The Local Highway Authority supports this amendment, which directly responds to earlier requests for tangible mitigation of peak-hour congestion.

**Parking Provision:**

- The document now provides consistent and verified figures, confirming a total of 98 parking spaces (including 7 accessible, 9 visitor and 3 minibus bays), representing a net increase of twenty spaces overall. Dimensions and swept path analysis demonstrate that these spaces are of sufficient size and accessible layout.
- Provision for 70 secure and sheltered cycle parking spaces has been confirmed and distributed across three locations within the site. This resolves the previous inconsistencies between supporting documents and provides a net increase of 60 spaces.

**Trip Generation & Network Impact:**

The TA now provides a clear breakdown of trip generation, including directional data for AM and PM peaks. This information confirms that the likely increase in vehicular movements can be accommodated within the local network, particularly with the mitigation provided by the internal loop arrangement.

#### Coach & Delivery Access:

Two dedicated coach bays have been incorporated into the design and swept path analysis confirms satisfactory manoeuvrability for coaches and delivery vehicles. It is also noted that coach activity will be limited to off-peak periods to minimise conflict with staff and parent vehicles. Delivery and refuse movements will occur within the internal network and outside school peak times, which is acceptable.

#### Travel Plan:

The amended Travel Plan (Stantec, August 2025) has been reviewed in light of the Local Highway Authority's previous comments.

It is noted and welcomed that the revised document has incorporated the majority of the recommendations previously requested, including:

- Commitment to update the Travel Plan prior to occupation to reflect the expanded school population.
- Provision for repeat and expanded travel training for pupils and staff before and after occupation.
- Commitment to join Herefordshire Council's Travel for Work Network.
- Engagement with the Council's Road Safety Team to arrange updated training sessions.
- Inclusion of Bikeright! and Bikeability initiatives for cycle training and guided rides.
- Formation of a Bicycle User Group (BUG) to promote and support cycling on site.
- Provision of on-site cycle maintenance tools to be installed prior to occupation and promoted via school communications.

These inclusions are welcomed and demonstrate positive progress towards delivering a robust and proactive Travel Plan.

However, it is noted that the establishment of a School Travel Plan Steering Group, comprising representatives from pupils, parents, residents, governors, and staff (or integration of these responsibilities within an existing leadership group), has not been explicitly addressed. This measure is considered important to ensure ongoing stakeholder engagement, accountability, and continuity of delivery throughout the plan's monitoring period.

Accordingly, the Local Highway Authority considers the Travel Plan acceptable subject to the inclusion of a requirement to establish and maintain a School Travel Plan Steering Group as part of the planning condition securing the implementation and monitoring of the Travel Plan.

#### Construction Environmental Management Plan:

The amended Construction Environmental Management Plan (CEMP, Rev 04, September 2025) prepared by Morgan Sindall has been reviewed in light of the Local Highway Authority's previous comments.

It is acknowledged and welcomed that the revised document addresses the majority of the concerns previously raised, in particular:

- Use of Internal Loop for Construction Traffic:  
The updated CEMP confirms that the internal one-way loop will now be used for construction access and egress, as detailed in Section 2.0 (pages 8–9) and Appendix 1 (pages 23–24). This arrangement provides essential segregation between construction



vehicles and school traffic and is a key mitigation measure to alleviate congestion and maintain safety on Broadlands Lane.

- Construction Traffic Management:  
A comprehensive Traffic Management Plan has been included, with the following controls:
  - All construction deliveries to be pre-booked and tightly managed through a gateperson at the site entrance.
  - All construction parking to be contained within the site, with no parking or waiting on surrounding roads.
  - Deliveries restricted to avoid school drop-off and pick-up times.
  - Provision of a holding area and turning space within the compound to prevent queuing on Broadlands Lane.
- Submission of Traffic Management Plan Prior to Works:
  - The CEMP now confirms that the full Traffic Management Plan will be finalised and signed off by Morgan Sindall senior management prior to commencement of construction, rather than being deferred by condition. This is supported and aligns with the Local Highway Authority's previous request for early submission.
  - These revisions are welcomed and demonstrate a significant improvement in addressing the highway safety and operational issues identified in earlier responses.
  - While the CEMP commits to avoiding school peak periods, explicit delivery time restrictions (e.g. no deliveries between 08:00–09:00 and 15:00–16:00) should be defined for certainty.
  - The CEMP would benefit from a short statement outlining how construction activities and deliveries will be coordinated with the school during term time, particularly during exams and events.

#### Conclusion:

The Local Highway Authority welcomes the revisions made to the Transport Assessment, Travel Plan, and Construction Environmental Management Plan, which collectively demonstrate a clear and considered response to the concerns previously raised. The amendments provide tangible improvements in terms of access, circulation, parking, and travel demand management, and are expected to deliver a meaningful reduction in congestion and highway safety risks along Broadlands Lane.

Subject to the inclusion of a requirement for the establishment and ongoing operation of a School Travel Plan Steering Group, and the incorporation of explicit construction delivery time restrictions within the CEMP, the Local Highway Authority raises no objection to the proposals on highway or transportation grounds.

- 5.3.2 13/6/25 - The application seeks permission for a new two-storey teaching block, sports hall, and associated facilities to enable a pupil capacity increase from 450 to 750, and staff numbers from 77 to 120. The primary vehicular and pedestrian access is via Broadlands Lane, which also serves Broadlands Primary School and Brookfield Primary School and is known to experience significant congestion during school peak hours.

#### Access & Congestion

- Broadlands Lane is already under heavy pressure at school drop-off and pick-up times, serving multiple educational institutions.
- No dedicated on-site pick-up/drop-off facility is proposed as part of this development. The Transport Statement confirms the school will continue operating as existing in this respect (TS 6.5.1), despite a significant increase in pupil and staff numbers.
- The Transport Statement references that the school previously catered for up to 1,250 pupils; however, the school layout has significantly changed since that time. Therefore, the nature and impact of traffic movements on the highway are likely to have altered, and historical comparisons may not accurately reflect current or future conditions.

- The Safer Routes to School measures, referenced in the Transport Statement, are scheduled to commence on a trial basis in September. While this council-led initiative is supported and welcomed, there is no certainty that the scheme will be implemented on a permanent basis.
- Given this uncertainty, it is requested that the school proactively utilises the existing internal one-way loop—which is currently used only by taxis—to manage increased traffic associated with the additional staff and pupils.
- The internal loop would provide a tangible mitigation measure to alleviate congestion on Broadlands Lane, which is necessary to accommodate the significant increase in site capacity.
- Reliance solely on the trial Safer Routes to School scheme without secured mitigation is insufficient, and therefore the internal loop should be incorporated into the proposed access arrangements. It is recognised that this may require some sort of segregation, such as a fence, to address potential safeguarding issues, however, the local highway authority are of the opinion that this mitigation is vital to accommodate the school expansion.

#### Parking Provision – Inconsistencies & Concerns

- The application contains conflicting information on existing and proposed parking:
  - o Existing spaces are reported variously as 47 (Planning Statement P7), 76 (PS P30) and 78 (TS 6.4.1).
  - o Proposed provision is described as a net gain of 3 spaces (TS 6.4.5), totalling 83 spaces, of which only 4 are accessible.
  - o Cycle parking provision is also unclear, with 120 spaces (PS P14), 32 spaces (PS P30), and 30 + 2 (TS 6.3.2) all cited.
- This lack of clarity must be addressed prior to determination. Moreover, a net gain of only 5 car parking spaces appears inadequate to meet demand from 43 additional staff, especially given the high car dependency (81% of staff currently drive).
- It is also unclear where staff for Brookfield Primary School currently park, which adds further uncertainty regarding cumulative parking pressures on Broadlands Lane and surrounding areas.

#### Trip Generation & Network Impact

- The development is estimated to result in an additional:
  - +321 trips in the AM peak (of which 126 are vehicle-based)
  - +261 trips in the PM peak (of which 105 are vehicle-based)
- This does not breakdown the number of trips arriving and departing in the AM peak and the PM peak, only mentions the number of staff and pupils arriving, as clearly staff would stay at the site, but we don't know the exact numbers. Therefore, this needs to be clarified.
- Although the Transport Statement argues many of these trips are "linked" (e.g., parents combining drop-offs with commuting), the practical effect remains a significant increase in movements on Broadlands Lane, with no formal on-site drop-off mitigation proposed. A solution needs to be found, and one solution may be using the internal loop of the site.

#### Coach & Delivery Access

- The proposal does not include a dedicated coach drop-off area, which is considered inadequate for a school of this size given the likely demand.
- The nearest bus stop is located approximately 180 metres from the site entrance on Broadlands Lane and is served by routes 420 and 426. During a site visit, it was observed that the 426 bus arrived around 15:30, later than the scheduled 15:15, due to difficulty accessing Broadlands Lane caused by parked cars. This obstruction led to traffic congestion backing up onto Aylestone Hill. If a modal shift from vehicular based travel to the site, to sustainable modes such as public transport is to be achieved it is imperative that buses can enter and exit Broadlands Lane unhindered.
- In addition to scheduled bus services, a full-sized Jones company coach supplements route 426 by entering Broadlands Lane and dropping off passengers at the School Gate Roundabout.
- Delivery and refuse vehicle trips, currently estimated at around 10 per day, are expected to increase with the proposed development. While most deliveries are planned outside peak

periods (TS 6.6.5), the cumulative impact of these trips alongside other site traffic remains relevant and should be considered.

- Overall, Broadlands Lane experiences significant congestion and access challenges during school peak periods, exacerbated by parked vehicles, coach movements, and delivery vehicles. The proposed increase in pupil and staff numbers, along with additional cars using the external roundabout on Broadlands Lane, will likely exacerbate existing traffic pressures and impact highway safety without appropriate mitigation measures.

#### Travel Plan Review

A School Travel Plan (2022) has been submitted and reviewed by the Council's Sustainable Transport Officer. While welcomed, the following recommendations should be secured through condition or S106 obligation to ensure its effectiveness:

- Update the Travel Plan prior to occupation of the new building to reflect the expanded school population.
- Repeat and expand travel training originally delivered in 2022—ideally both before and after occupation.
- Join Herefordshire Council's Travel for Work Network to access best practice guidance and support.
- Liaise with the Road Safety Team ([roadsafety@herefordshire.gov.uk](mailto:roadsafety@herefordshire.gov.uk)) to arrange updated training sessions.
- Engage Bikeright! and Bikeability for guided rides and cycle skills for staff and pupils.
- Establish a School Travel Plan Steering Group, including pupils, parents, residents, governors, and staff, or embed school travel into the remit of an existing school leadership group.
- Form a Bicycle User Group (BUG) and promote cycling through events, mentorship, and visibility.
- Ensure on-site cycle maintenance tools are available and well-promoted for staff and pupils.

The above measures should be included in an updated Travel Plan, to be secured by planning condition with monitoring mechanisms.

#### Construction Environmental Method Statement

- The applicant's Construction Environmental Method Statement indicates that the school's main entrance will be used for two-way vehicular movements during construction, as opposed to a one-way system utilising the internal loop. This approach raises concerns, given that the internal loop was previously proposed to help segregate traffic flows and reduce congestion and conflicts during peak periods. Clarification is required on why a two-way system via the main entrance is now considered preferable and how this will be managed safely alongside existing school traffic.
- The applicant has stated that a comprehensive Traffic Management Plan (TMP), detailing all aspects of construction-related traffic—including vehicular and pedestrian movements, as well as risks and mitigation measures for both site personnel and the general public—will be developed and approved prior to commencement of works. Given the sensitive nature of the site, its operation during term time, and the potential for significant disruption, it is essential that these details are submitted within the CTMP and agreed well in advance of construction starting, rather than being deferred as a post-approval condition.
- The TMP must include specific information on the types of machinery and vehicles to be used, the expected number and timing of deliveries and movements, and measures to minimise impacts on the school community and surrounding highway network. Early submission of these details will enable effective coordination and risk management to ensure the safety of pupils, staff, and the public throughout the construction period.

#### Conclusion

While the principle of expanding educational capacity is supported, the current submission does not satisfactorily address the access, congestion, and operational pressures on Broadlands Lane.

The following actions are requested before the local highway authority can offer a recommendation of no objection to the application:

- Clarify all discrepancies in parking and cycle provision figures and confirm final layout.
- Include a formal drop-off/pick-up area, particularly in light of existing congestion.
- Secure the updated Travel Plan and associated measures as part of any permission.
- Provide clarification on why the internal loop is not proposed for construction or operational access, despite its potential to mitigate congestion.
- Submit the Traffic Management Plan and full Construction Environmental Method Statement prior to determination to ensure construction impacts are fully understood and managed, particularly during term time.
- Clarify the trip generation data during construction, including a breakdown of arrivals and departures during peak periods, to accurately assess network impact.

Until these matters are resolved, the proposal presents an unacceptable risk of exacerbating existing highway safety and operational issues.

5.4 HC Public Rights of Way Team – no objection.

5.5 HC Culture and Leisure – no response.

5.6 HC Childrens Wellbeing – no response.

5.7 HC Education – no response.

5.8 HC Built and Natural Environment Service (Ecology) – comment; -

5.8.1 5/11/25 – updated lighting strategy is now acceptable

5.8.2 8/9/25 - Since the original ecology consultation (07/05/2025), the applicant has submitted both a lighting plan and an ecological construction method statement.

With respect to the lighting plan, the current submission does not cover key wildlife corridors—specifically along Aylestone Hill and to the north of the properties at Aylestone Grange. As these areas fall within the RLB, they must be included within the lighting plan.

The ecological construction method statement is considered acceptable. Accordingly, the CEMP condition recommended in the original ecology consultation can be removed. It is essential that the method statement is adhered to throughout construction and during all pre-construction activities.

Regarding the HRA, I note that Welsh Water has raised no objection to the proposal, subject to conditions. The original ecology consultation requested confirmation of the final surface water discharge point. I have not seen any updated reporting to address this. Once this confirmation is provided, the HRA can be completed.

5.8.3 7/5/25 - The application site overlaps both the River Wye and River Lugg catchments. The proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England prior to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured. The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

Comments on HRA

The proposal aims to accommodate an additional 300 pupils. The foul water strategy is to connect to the existing public sewer. The surface water strategy is to connect to existing surface water sewer, although the Drainage Strategy Note (Stantec, 2025) states that the final discharge point is to be determined following a future survey. Both sewer systems ultimately direct wastewater to the Eign Wastewater Treatment Works, situated within the Wye SAC catchment area.

The foul water flows can be regarded as integrated within the domestic foul water discharge from staff and pupils, which is already accounted for within the existing residential foul water flows within the Wye catchment. Confirmation is required from Welsh Water to verify that Eign Wastewater Treatment Works can accommodate the additional flows. The final surface water discharge point must also be confirmed. Thereafter a HRA can be processed by the Local Planning Authority whereby the proposal can be considered as 'screened out' at Stage 1.

## Ecology

*Document reviewed: Preliminary Ecological Appraisal (PEA)*

## Designated Sites

There are seven statutory designated sites within a 1km radius of the proposed development. However, works would take place entirely within the footprint of the existing school grounds and therefore no adverse impacts to sites for nature conservation are not expected.

## Protected and Priority Flora & Fauna

Many of the existing buildings hold bat roosting potential, however as they are not subject to any works as part of the proposed development, no further surveys are required. No adverse impacts to any other protected and priority species or habitats are expected providing adequate construction environmental management plans are in place. Note, the submitted CEMP does not adequately cover ecology, and a planning condition is recommended to ensure a revised CEMP is submitted prior to construction – this document should refer to the risks highlighted in the PEA.

## Biodiversity Net Gain

*Document reviewed: Biodiversity Impact Assessment, and Statutory Biodiversity Metric*

The application is subject to delivering mandatory Biodiversity Net Gain (BNG) of a minimum of 10% post-development in accordance with the Environment Act 2021. Proposed habitat loss is limited to modified grassland, and the proposed development includes onsite habitat creation and habitat enhancement. The proposal delivers a net gain exceeding 10% and is satisfactory. The proposed net gain will need to be secured through the standard BNG condition.

## Recommended Conditions

### Construction Environmental Management Plan

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

Reason: 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.



### Wildlife Boxes

Prior to first use of any part of the development works approved under this planning decision notice, photographic evidence of the suitably placed installation within the school grounds, of a minimum total of three bird nesting boxes and three bat roosting boxes, should be supplied to and acknowledged by the Local Planning Authority; and shall be maintained hereafter as approved. Wildlife boxes must not be installed in ash trees due to endemic Ash Dieback disease. Wildlife boxes should be installed under supervision of a qualified ecologist.

Reason: 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.

### Wildlife Sensitive Lighting

No external lighting is to be used on site boundary habitats. Details of any floodlighting or external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to first use of any part of the development works approved under this planning decision notice. Details should include lighting specifications and lighting contour plans to demonstrate how habitats will be protected from any light disturbance. The development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: 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.

### 5.9 HC Built and Natural Environment Service (Landscape) – comment;

- 5.9.1 31/10/25 - I note the latest Proposed Soft Landscape Layout (dwg no 0540 rev P04) does not include the additional tree planting locations or species as suggested by Nigel Koch in his response dated 26/06/2025.

No further comments.

- 5.9.2 20/6/25 – The applicant has provided satisfactory amended landscape drawings, details and specification as requested 16/05/2025.

I do have a suggestion that could make the tree planting more dynamic and interesting. The existing tree layout (Refer to figure 1) uses three species in a linear (structured) random way. However the *Betula pendula* (Silver Birch) in appearance is a slim tree with delicate branches, often with a characteristic white bark and contrast with the wider and dense canopy of the *Acer campestre* (Field Maple) and *Cerasus avium* (Wild Cherry).

The Silver Birch planted in a 'structured' formal way as individual specimens, in a mix can look weak in comparison. Silver Birch are known as pioneering trees, and can grow close together, quickly. Growing in density is well suited to this tree.

To strengthen or provide a better dynamic or rhythm of trees, consider adding more Silver Birch in groups and clusters that 'embrace' the space (Refer to figure 2). Growing multi-stem Silver Birch will give an interesting effect.

- 5.9.3 16/5/25 - In terms of landscaping, the development is supported and the landscape design provides an enhanced soft landscape (including the addition of predominately native trees, hedges, meadow grasses and wetland habitat). The hard landscaping is appropriate to the setting. Overall, the development is in accordance with Core Strategy LD1.

The soft landscape strategy is provided and as mentioned is supported. What is required is the final setting out of trees, and the overall landscaping supported with a maintenance and management plan for a period of 5 years.

#### Soft landscape

Before the commencement of construction works on the development hereby permitted a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include:-

- A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
- A plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- A schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- A written specification outlining how they will be planted and protected and the proposed time of planting.
- Management and maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

#### Reason:

To ensure that that the development does not have an adverse effect on the character and appearance of the area and conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy in relation to landscape character, visual amenity and green blue infrastructure and the National Planning Policy Framework

#### Hard landscape

Before the commencement of construction works on the development hereby permitted OR Before the first use/occupation of the development hereby permitted a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority.

The hard landscaping of the site shall be completed before [the first use/occupation of the development hereby permitted] or [in accordance with a timetable agreed in writing by the local planning authority]. Development shall be carried out in accordance with the approved details.

- Management and maintenance for a minimum period of five years.

#### Reason:

To ensure that that the development does not have an adverse effect on the character and appearance of the area and conforms with Policies LD1 of the Herefordshire Local Plan – Core Strategy in relation to landscape character and the National Planning Policy Framework.

#### 5.10 HC Built and Natural Environment Service (Trees) – comment;

- 5.10.1 22/10/25 - Comments: I have reviewed the amended Arboricultural Method Statement and associated plans (240314/24014/AMS V1\_10.09.2025). The report highlights the additional impacts to the retained trees as well confirming removals which relate to 5 low quality trees and hedgerow, as well as one moderate quality tree. Although tree removal are regrettable, extensive new tree planting is proposed which will mitigate the loss in the longer-term. As tree cover within

the site is good, the removals are considered to not have a significant impact to the green infrastructure within the site.

I therefore have no objection to the amended layout as long as all works are carried out in strict accordance with recommendations set out within the amended AMS and TPP.

#### Condition

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

- Arboricultural Method Statement – Origin Environmental – 240314\_24014\_AMS\_V1 – September 25
- Tree Retention and Removals Plan – Origin Environmental – 240314\_24014 TRRP V2a\_OE-003 – September 2025
- Tree Protection Plan – Origin Environmental – 240314\_24014 TPP V2a\_OE-004 – September 2025

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.

5.10.2 1/7/25 – Comments: I have reviewed the submitted Arboricultural Method Statement (Origin Environmental – 250609\_24014\_AMS\_V1 – 9th June 2025).

The AMS provides adequate information to ensure the important arboricultural resource within the site is protected during the development proposals.

I have no objection to the proposals as long as work close to trees is undertaken in accordance with this document. This can be imposed via a planning condition if consent is granted.

In addition, I support the landscape officers comments on proposed tree planting for the site.

#### Condition

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

- Arboricultural Impact Assessment – Origin Environmental – 250319\_24014\_AIA\_V1 – 20 March 2025
- Arboricultural Method Statement – Origin Environmental – 250609\_24014\_AMS\_V1 – 9th June 2025.
- Tree Retention and Removals Plan – Origin Environmental – 250604\_24014\_V1\_OE-003 – June 2025
- Tree Protection Plan – Origin Environmental – 250609\_24014 TPP V1\_OE-004 – June 2025

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.

- 5.10.3 20/5/25 - I have reviewed the submitted site layout and Arboricultural Impact Assessment (Origin Environmental\_AIA\_250319\_24014\_AIA\_V1 – 20 March 2025) and have the following comments.

The AIA provides adequate information in regards to identifying the existing arboricultural resource within the site and highlights the potential impacts from the proposed development. It also confirms that no trees will have to be removed to allow the development to be implemented which is positive.

The AIA also gives guidance to how potential impacts through development will be managed to an acceptable level during the construction phase.

Certain aspects of the development will involve additional input from an Arboriculturist to ensure impacts are kept to an acceptable level. This can be fulfilled through a detailed Arboricultural Method Statement (AMS) and schedule of supervision and monitoring.

Points to be addressed will include but not be limited to demolition of existing buildings, hard surface removal and installation within RPA's, no dig surface installation, services installation and any other activities which could be detrimental to existing/retained trees. The AMS should also include an updated Tree protection Plan if required. I consider that this could requested via a planning condition if consent is given.

I note than the landscape officer has requested a detailed planning plan which will highlight and specify new tree and hedgerow planting.

#### Condition

Prior to the commencement of any works an Arboricultural Method Statement (AMS) for any construction activities which can impact retained trees must be submitted and approved by the local planning authority. This should include all construction activities which may adversely impact retained trees, a schedule of monitoring/supervision and an updated Tree Protection Plan (TPP). The development shall then be undertaken in accordance with the AMS and TPP.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5.11 HC Built and Natural Environment Service (Building Conservation) – comment; -

- 5.11.1 8/10/25 – Thank you for consulting on the amended plans and I duly acknowledge the revised site plans, elevational drawings, and landscaping plans and the revised Design and Access Statement and Heritage Statement Addendum.

The Heritage Statement Addendum focuses on the revised internal vehicular routes and parking.

It is noted that the 2 closest listed buildings UID 1280566 Aylestone School and UID 1297452 Athelstone Hall were both included on the statutory list on 17/07/1994, when both buildings were in educational use, and as such the former grounds to these properties were utilised for educational playing fields at the time of listing.

The amended documents have been duly read and in respect of the proposed building and transport route and parking provision it is not considered that the proposal has changed since the previous built heritage comments and as such the consideration remains the same – repeated below.

“the expansion of the site will have a limited harm – a low level of less, than substantial harm on the setting of the listed building by the erosion of the former grounds.

NPPF para 215 advises. “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”

The public benefits of the proposal both in terms of the retention and improvement of the school, and the retention of the school building within the listed building, would be considered to outweigh the very low level of harm introduced to the setting of UID 1280566 Aylestone School.

As such no objections are raised in built heritage terms.”

5.11.2 6/6/25 - The site lies outside, but in proximity to the Aylestone Hill Conservation Area. <https://www.herefordshire.gov.uk/downloads/file/1360/aylestone-hill-conservation-area> There is a listed building on the site UID 1280566 Aylestone School a C19th former house. <https://historicengland.org.uk/listing/the-list/list-entry/1280566>

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to affect any special architectural or historic interest.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy Policies.

- Paragraph 135 of NPPF advises that planning policies and decisions should ensure developments should;

- a) 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;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) 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);

- 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

- Paragraph 207 of NPPF 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

- Paragraph 208 of NPPF advises that a “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) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

- Paragraph 212 of NPPF advises "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."
- Paragraph 213 of NPPF advises "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."
- Paragraph 219 of NPPF advises "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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."
- Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should: conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations. 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.
- LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should: demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas; conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management.
- Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should: 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.

The proposal would be for a relatively large building within the school grounds, which contains a listed building. The site of the proposed building is to the south of the more modern school buildings sited between the application site and the listed building to the north of the modern buildings.

The proposed siting of the new building is away from the principal listed building adjacent to existing sports pitches, and not visible from Broadlands Lane where the principal elevation of the listed building can be viewed. There will be a view of the new building from the south, however this will have the existing modern school buildings as a backdrop and not the listed building which is well screened by tree cover, which is to be retained as indicated on the landscape masterplan.

As such no objection is raised to the siting of the proposed building in the location shown. Whilst there is support for improved and expanded facilities in our schools, the expansion of the site will have a limited harm – a low level of less, than substantial harm on the setting of the listed building by the erosion of the former grounds.

NPPF para 215 advises: "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."

The public benefits of the proposal both in terms of the retention and improvement of the school, and the retention of the school building within the listed building, would be considered to outweigh the very low level of harm introduced to the setting of UID 1280566 Aylestone School.

As such no objections are raised in built heritage terms.

5.12 HC Built and Natural Environment Service (Archaeology) – no objection.

5.12.1 2/10/25 - As previously indicated, I regard the likely archaeological impact as low and have no objections.

In general, I am in agreement with the archaeological position summarised in the application - stated inter alia in the submitted desk based assessment (HPS).

To be clear, I have commented, and continue to comment, only in relation to archaeology as normally understood and not in relation to other matters.

5.13 HC Built and Natural Environment Service (Open Space) – comment;

5.13.1 16/10/25 - I have no further comments to make.

5.13.2 24/6/25 - Relevant Policies: In this instance the following national and local planning policies are relevant.

National Planning Policy Framework (NPPF):

Paragraph 103: 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

Paragraph 104: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

Core Strategy (CS) Policy

OS3: Loss of an Open Space/Sports and Recreation Facilities

OS2: Meeting Open Space and Recreation Needs

Core Strategy Evidence Base

Herefordshire Playing Pitch and Outdoor Sports Assessment September 2022 (PPOS)

Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 (PPOS)

Herefordshire Indoor and Built Sports Facilities Assessment September 2022 (IBS)

Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023 (IBS)

Proposal: The proposal is for the erection of a two-storey educational building with associated landscaping and infrastructure works at Aylestone High School to the south of the site along the southern boundary of the school grounds. It will be located on existing playing fields. It will provide classrooms on 2 floors, sports hall and changing rooms and lobby on ground floor. It will support the expansion of Aylestone School from its current 3 form entry to serve 5 forms of entry.

The existing car parking will be extended to the west of the existing main teaching block and will make use of a currently unused hard surfaced MUGA.

The proposal will result in the loss of existing school playing fields currently used as informal summer rounders pitches and 10 x 10 soft ball grids in the winter months. The site is on a gradient which limits sports that can be played on it. Community use of school playing fields in accordance with the PPOS has no security of tenure.

The proposal will result in a new community use indoor sports facility.

My comments are in relation to these elements.

#### Provision of Indoor Sports Hall / Loss of School Playing Field

School use: The Design and Access Statement describes the proposed sports hall as greatly enhancing provision and addressing inadequacy of existing indoor PE provision. The proposal will be the school in line with accepted DfE guidance on indoor sports facilities for a school of the size proposed. Existing provision within 2 gyms is restricted due to the height and extent of glazing offering limited options for playing sports.

In DfE terms the site is classified as “restricted” and where space is a premium, the recommendations are to take a flexible approach to provision of hard areas for social and PE and soft areas for social and outdoor PE. The site currently falls below the minimum soft outdoor provision, and the applicant acknowledges that the proposal will result in a further reduction.

In the submitted Planning Statement and response to Sport England, the applicant has demonstrated that there will be no net loss to school provision. The area is not large enough to accommodate a senior football or rugby pitch and the applicant has demonstrated that the existing rounders pitches and softball squares can be relocated with no loss of sports pitches as shown on table: External Sport, Play and Social Provision comparison in the Design and Access Statement, therefore resulting in no loss in provision for formal physical education activities.

The applicant describes the MUGA as in poor condition and infrequently used by the school as the surface is broken up by tree roots making the surface uneven and unsafe for sports. Therefore, there will be no loss in provision.

The proposed enhanced internal facilities will also be key to mitigate these current limitations on sports provision on site. The proposal provides a new 3-court Sports Hall with the following facilities:

Indoor cricket nets

3 Badminton courts

Tennis

Basketball and basketball practice hoops

Netball practice hoops

## Movable 5-a-side football fold-away goals

In respect of school sports, I am satisfied that the applicant has provided the appropriate information in accordance with DfE technical requirements. As such, the proposal is seen to accord with NPPF paragraph 104 c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use, and CS policies OS2 in meeting the sports and recreation needs of the community and OS3, where the loss of sports facility will result in an equally beneficial replacement.

## Provision of Indoor Sports Hall / Loss of School Playing Field – Community Use

The IBS confirms that the existing facilities (x2) at Aylestone School are not considered large enough to accommodate 1 badminton court.

The IBS concludes that sports halls are generally considered to be of greatest value if they are of at least 3+ badminton court size with sufficient height to allow games such as badminton to be played and that a 4-court sports hall provides greater flexibility as it can accommodate major indoor team sports such as football (5-a-side and training), basketball and netball. It also has sufficient length to accommodate indoor cricket nets and indoor athletics; and only halls that meet current Sport England Design Guidance of 34.5m x 20m can fully accommodate the full range of indoor sports, especially for competition/league activities.

The IBS recommends that consideration should be given to:

Whether and how community use can be extended at school sites enabling existing sport and physical activity participation to grow

Projected increases in population can be accommodated during peak hours available in sports halls across Herefordshire

Where no formal agreements are in place, work with educational sites to secure binding and effective community use agreements (CUAs)

The new sports hall is designed to accommodate community use, and the applicant has acknowledged that a community use agreement will be required as part of the planning permission. It is intended that the Sports Hall & its associated changing and storage is accessible as a separate entity from the rest of the building, allowing this section of the building to be available out of hours for the use of local clubs, teams and the community. Adjacent car parking will provide improved community and club access at weekends and evenings to the facility.

The applicant has provided details from a number of locally based sports clubs who have already expressed interest in using the new facility including:

Degreez Allstarz – cheerleading and dance community club  
 Hinton FC  
 Bartestree and Lugwardine Cricket Club  
 Glo fitness – aerobics class with disco lights  
 Got 2 Sing – contemporary adult choir  
 Hall Family Taekwondo and Korean Kickboxing  
 Herefordshire County Netball  
 Westside Netball Club  
 Hereford Pamayanan Basketball Group (Filipino community)  
 Herefordshire Football Association  
 Herefordshire Girls Football League  
 Starlight Company – Dance and Yoga classes  
 Toros FC

Tupsley Girls FC  
Wessington Juniors FC  
Westfields FC

In respect of community use, I am satisfied that the new facility, subject to a community use agreement, will result in greater sporting benefits to the local sports community, which is in accordance with NPPF paragraph 104 c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use, and CS policies OS2 in meeting the sports and recreation needs of the community and OS3, where the loss of sports facility will result in an equally beneficial replacement, and supported by the Core Strategy evidence base IBS.

#### Loss of School Playing Field, New Classrooms

The proposal will result in the loss of school playing field to accommodate a new classroom block. CS policy OS3 point 2 is clear in that any proposal that results in the loss of sports facilities will need to demonstrate “that there is clear evidence that the facility is surplus to the applicable quantitative standard”.

In considering this loss against CS policy OS3 and objections received from Sport England, I have evaluated the loss against the following factors: size, security of tenure, deficiencies in sports provision in the Hereford Analysis Area.

Size: The area to be lost to non-sports provision is taken to be the school classrooms only as shown below. It measures approximately 30m x 8.5m.

The PPOS identifies shortfalls in the Hereford Analysis Area of mini rugby provision only. The shortfall is detailed below:

Hereford Rugby Club have 3 senior pitches and 1 mini pitch. They have 2 x senior male, 6 x junior 13–18 and 6 x junior 6–12 teams.

The PPOS shows that the mini pitch is overplayed by one match equivalent session per week during peak time, which for mini and junior rugby is Sunday AM, which could be any of the above teams depending on fixtures.

PPOS details for mini rugby pitch dimensions:

Age	Pitch Type	Maximum pitch dimensions (m)
U7	Mini	20 x 12
U8	Mini	45 x 22
U9	Mini	60 x 30
U10	Mini	60 x 35
U11	Mini	60 x 43
U12	Mini	60 x 43

The area to be lost to classrooms is not capable of forming a mini rugby pitch.

Security of Tenure: In addition, even if some community use of pitches is already provided at Aylestone School, where there is no security of tenure on a site for community use, the PPOS recommends discounting the facility as having spare capacity to meet identified shortfalls. The PPOS indicates that Aylestone School does not have security of tenure and this alone would discount it from being able to reduce shortfalls.

PPOS recommendations for Rugby: The PPOS is clear on where future provision for rugby should be prioritised in the Hereford Analysis Area. With no spare capacity at existing sites or sites



located within the flood zone as is the case for Hereford Rugby Club, the PPOS proposes recommendations in support of deficiencies and shortfalls for both the Hereford Rugby Club and the wider need for the sport, including:

Explore long-term the potential relocation of Hereford Rugby Club to a better-suited location not on a flood zone

Explore the installation of World Rugby compliant 3G pitches as a resolution for clubs that would still have grass pitch shortfalls even if quality and sports lighting was maximised

Whilst there is an identified deficiency for mini rugby in the Hereford Analysis Area, I am satisfied that in assessing the need there is evidence that the area to be lost is considered surplus to requirement in that: it is incapable of providing suitable provision, community access at the school does not have security of tenure, and the PPOS recommendations are for a solution to meet deficiencies for rugby as a whole. It is therefore not seen to be contrary to NPPF paragraph 104 and CS policy OS3.

Conclusion: In evaluating the provision of a new sports hall and school classrooms against NPPF paragraph 104, CS Policies OS2 and OS3, and CS evidence bases IBS and PPOS, I raise no objection.

In respect of school sports, I am satisfied that the applicant has provided the appropriate information in accordance with DfE technical requirements.

In respect of community use, I am satisfied that the new facility, subject to a community use agreement, will result in greater sporting benefits to the local sports community.

In respect of loss of playing field, I am satisfied there is evidence that the area to be lost is considered surplus to requirement in that: the playing field to be lost is incapable of providing suitable provision to meet deficiencies and community access at the school does not have security of tenure.

#### 5.14 HC Environmental Health (Noise) – comment;

- 5.14.1 22/5/25 - Following noise surveys, an Acoustic Design Report has been written and submitted with this application. The report considers the acoustic requirements in line with the relevant guidance, including BB93 'Acoustic Design of Schools: Performance Standards', DfE & DfA (2015) and 'Acoustics of Schools: a design guide', Institute of Acoustics (2015). Compliance requirements are detailed within the report. External plant noise has also been addressed, with reference to criteria found in BS4142:2014+A1(2019) 'Methods for rating and assessing industrial and commercial sound'.

The report outlines that if suggested design criteria are met, compliance with BB93 and BS4142 can be achieved.

External plant noise levels have been set to not exceed background levels, equating to 'low impact' at the nearest residential receptors (BS4142).

Therefore, this department does not object to this application, but suggests that the following condition is added to any permission granted:

All recommendations outlined in Acoustic Design Report ref.BLMS0601-HYD-10-ZZ-T-AC-0001, dated 6<sup>th</sup> March 2025, shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained, unless otherwise agreed in writing by the LPA.

Reason: In order to protect the amenity of the area and future users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31

5.15 HC Environmental Health (Air Quality) – no response.

5.16 HC Environmental Health (Contaminated Land) – comment

5.16.1 4/6/25 - Further to our memo of 29<sup>th</sup> April 2025, the applicant has confirmed that they wish to adopt precautionary ground gas protection into the building in accordance with the options and recommendations outlined in the site investigation report. On this basis we would recommend the conditions below be appended to any approval.

1. "Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.
2. Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

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

5.16.2 29/9/25 - We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

The reports below have been submitted in support of the application:

"Phase 1 Geo-Environmental Desk Study Report. Aylestone High School, Hereford." Dated April 2024, Ref: HSP2024-C4607-G-GPI-2141.

And

"Phase II Geo-Environmental Assessment Report. Final-Rev A. Aylestone High School, Hereford." Dated July 2024, Revised March 2025.

Both prepared by HSP Consulting.

The Assessments have concluded that, on the basis that no demolition works are proposed, no further investigation is required at the site and that risks are acceptably low with regard to soils. The Phase II report however, includes a recommendation to include gas protection measures within the buildings. This is made on the basis of monitoring carried out on 4 occasions over two months and seemingly on the results recovered from one of the boreholes.

It is noted that the text of the report does indicate that further ground gas monitoring and more detailed assessment could result in a different 'end point'. This is an important consideration for the applicant as the requirement or otherwise for ground gas protection measures has consequential effects both for the design and construction of the building and with regard to validation plans and reports which will be required to demonstrate such measures have been included.

We would consider that the applicant should confirm whether further monitoring and more detailed assessment is proposed or precautionary mitigation is to be adopted at the site. Upon receipt of this confirmation we will be able to comment further.

5.17 HC Waste & Recycling – no response.

5.18 Land Drainage Team / Lead Local Flood Authority – comment;

5.18.1 26/9/25 - We have been reconsulted on the above application. We note the additional impermeable area now proposed as part of the development; the surface water drainage strategy including sizing calculations has been revised accordingly.

No further information relating to the access permissions necessary to achieve the proposed surface water connection to the public surface water sewer has been presented. As such, the attached (latest) correspondence still stands.

5.18.2 5/6/25 - The revised drainage layout drawings show the revised surface water drainage connection point (now within Pigott Close) to require new pipework to be laid within land outside the red line site boundary; the land also does not appear to be owned by the Applicant. It appears that this may be land owned by Herefordshire College of Arts, but this will need to be determined by the Applicant; discussions/permissions will need to be established to facilitate the works from the associated landowner/s.

Therefore, it still remains the case that third-party land will need to be accessed and crossed to install the surface water drainage pipework to achieve a connection to the Welsh Water public surface water sewer.

The condition wording previously discussed: 'No development shall commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained from the relevant third-party landowners to allow for the construction and maintenance of the proposed surface water drainage connection to the public sewer in Whittern Way (as indicated on X plan)...?' remains appropriate accordingly.

#### **Other consultees**

5.19 The Ramblers Association – no response.

5.20 Open Spaces Society – no response.

5.21 Hereford and Worcester Fire Service - standing advice applies. Full comments accessible via the link at the heading of the report.

## **6.0 REPRESENTATIONS**

6.1 Hereford City Council – support;

The meeting supported this application and noted the improved cycling provision being offered in this amended application. Not sure why they don't submit them.

6.2 34 representations have been received raising objections to the proposal. It is noted that a number of these are from the same individuals submitting multiple responses. The comments can be summarised as follows; -

- Lack of clear evidence or credible plans to address increased traffic and parking pressures, especially around Watermeadow Close and Broadlands Lane, with repeated concerns about pupil and resident safety.
- Existing problems with congestion, dangerous parking, and ineffective traffic management are expected to worsen, potentially impacting emergency access.

- The educational case for expansion is challenged, with reference to Department for Education data showing Aylestone School's academic performance remains well below local and national averages, and no sustained improvement trend.
- Several representations highlight instability in council governance and leadership, including officer departures, unresolved conflicts of interest, and insufficient legal oversight, which undermines trust in the decision-making process.
- The use of the Public Service Infrastructure (PSI) fast-track route is disputed, with claims that statutory criteria are not met and the process is vulnerable to legal challenge.
- Public consultation is described as inadequate, with insufficient notification to affected parties (notably Athelstan Hall), short timescales, unreadable documents, and limited genuine engagement.
- Requests for greater transparency, including full publication of key documents and rationale, and calls for independent scrutiny before any decision is made.
- Loss of playing field land and conversion of playground/MUGA to car parking is contrary to Sport England policy, with statutory objections referenced and concerns about reduced sports provision for pupils.
- Proposed tree and shrub planting near Athelstan Hall is criticised for harming the historic open setting, reducing residential amenity, and diminishing usable sports space, with conflicting heritage and landscape assessments noted.
- Doubts are raised about the school's ability to manage both existing and new landscaping, citing neglected boundary trees and increased future maintenance burdens.
- Alternative mitigation is suggested, such as a heritage-sensitive boundary wall instead of tree planting, to better protect amenity and historic character.
- The intended commercial and community use of the proposed sports hall is seen as a material change of use, requiring separate assessment and consultation.
- Ecological assessment is considered incomplete, with no site visit and insufficient attention to protected species and nearby SSSI; calls are made for a full walkover and updated environmental risk assessment.
- Requests for all "Safer Routes to School" measures to be implemented before any approval, with scepticism about their permanence and effectiveness.
- Some objectors call for the application to be paused, independently reviewed, or referred to the Secretary of State due to unresolved procedural and substantive concerns.
- The proposed £13 million investment is questioned, with suggestions that local need, educational outcomes, and public value do not justify the scale of funding, and that alternative priorities (including SEND provision at other schools) should be considered.
- Concerns about excessive lighting, including omission of MUGA floodlighting from plans, risks to bats and biodiversity, and lack of mitigation or assessment for light pollution.
- Noise impacts from extended hours, amplified events, and commercial use are raised, with calls for robust monitoring and enforceable conditions.
- Loss of informal open space, wildlife corridors, and buffer zones is highlighted, with negative effects on local amenity and the conservation area.
- Some mitigation measures, such as community use agreements, are criticised as speculative and not secured or deliverable.
- Missed opportunities for collaboration with neighbouring colleges and existing sports facilities are noted, leading to unnecessary duplication and further loss of green space.
- Lack of evidence for improved SEND provision, pastoral care, or curriculum flexibility, with calls for investment in schools with stronger outcomes.
- Intensification of site use is expected to increase disturbance, with concerns about long-term management and accountability for impacts.
- The scheme is described as being presented as educational, while its commercial aspects are downplayed or misrepresented in consultation and application documents.
- Calls for enforceable operational hours, event-type restrictions, and robust complaints protocols to protect residents.
- Requests for previous objections (notably from 2018) to be considered and republished, due to concerns about their erasure or lack of visibility.

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

- Absence of a Heritage Impact Assessment is highlighted, with concerns about harm to Grade II listed buildings and the Aylestone Hill Conservation Area.
- Lack of transparency and evidence regarding funding sources, especially the use of High Needs Capital Grant and claims of PFI constraints.
- Questions about the adequacy and affordability of SEN protection schemes and the impact on the High Needs Block deficit.
- Reports of insufficient engagement with affected neighbours, including exclusion from consultation and failure to address requests for mitigation.
- Cumulative impacts of lighting, noise, and increased activity on wildlife, residential amenity, and the local environment are raised.
- If approved, requests are made for specific planning conditions, including boundary wall installation, lighting controls, implementation of safe routes to school, Sport England clearance, and robust facility management.
- The proposal is described as procedurally unlawful, distorting original criteria, and lacking educational merit.
- Concerns about the loss of green space, with calls for imaginative renovation of existing buildings rather than new construction.
- Environmental harm from excessive lighting is highlighted, with requests for intelligent, motion-triggered lighting schemes.
- Calls for the council to follow national best practice by repurposing existing spaces before building on greenfield land.

6.3 1no. representation received neither in support or objecting. The comments can be summarised as follows;

- CPRE Herefordshire supports timed external lighting but recommends it be shielded, downward-facing, no brighter than necessary, and use warmer tones.
- Reference DarkSky International's principles for responsible outdoor lighting.
- Endorse the Council Ecologist's recommendation that no external lighting be used on site boundary habitats.
- Support the requirement for lighting specifications and contour plans to be submitted and approved prior to first use.
- agree lighting should be implemented as approved, with no other external illumination.
- Their comments align with legal and policy frameworks including the Habitats Regulations, Wildlife & Countryside Act, NPPF, NERC Act, and Core Strategy Policies SS1, SS6, LD1–LD3.

## 7.0 OFFICER 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 application site comprises an established secondary school located within the urban area of Hereford. The principle of educational development on this site is well established, and the proposal is supported in policy terms by both the Core Strategy and NPPF. Paragraph 100 of the NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools, recognising their critical role in meeting community needs and supporting sustainable development. Core Strategy Policy SC1 similarly supports the provision and



enhancement of social and community infrastructure, including education, particularly where it meets identified needs and is accessible by sustainable modes of transport.

- 7.4 The proposed development seeks to erect a new two-storey teaching block, including a sports hall and associated infrastructure, to facilitate the expansion of Aylestone High School from 3-form entry (450 pupils) to 5-form entry (750 pupils). This responds to a demonstrable increase in demand for secondary school places in Hereford. The proposal remains within the extent of the site, which previously accommodated up to 1,250 pupils, and therefore does not introduce a new or incompatible land use.
- 7.5 The development would deliver modern, accessible teaching and sports facilities, replacing outdated accommodation and enhancing the learning environment for pupils and staff. The inclusion of a new sports hall, designed to meet curriculum needs, represents a qualitative improvement in education provision. The facility would also be available for community use outside of school hours, supporting wider objectives around health, and social inclusion and community cohesion and wellbeing.
- 7.6 In response to objection to this application, it should be recognised that the planning system is not responsible for assessing the academic performance of individual schools. The application is supported by evidence of increased demand for secondary school places in Hereford, and the principle of educational expansion is supported by the NPPF and Core Strategy Policy SC1. The educational case for expansion is therefore considered robust in planning terms.

#### **Siting, design, scale and character**

- 7.7 The Town and Country Planning (Development Management Procedure) (England )Order 2015 (as amended) requires that Sport England is consulted on applications likely to affect land being used as a playing field; land which has been used as a playing field in the last 5 years; land allocated for use as a playing field; or for proposals for replacement of a grass surface. A 'playing field' is defined as the whole of a site which encompasses at least one playing pitch
- 7.8 The development would result in the loss of part of the existing playing field, currently used for informal sports, and the repurposing of a deteriorated Multi-Use Games Area (MUGA) for parking associated with the school expansion. In accordance with Paragraph 104 of the NPPF and Core Strategy Policy OS3, the loss of open space and sports facilities must be justified by either surplus provision, equivalent or better replacement, or alternative provision whose benefits clearly outweigh the loss.
- 7.9 In this case:
- The informal playing field area to be developed is limited in its current use due to its size and condition; replacement informal sports provision would be relocated elsewhere on site, ensuring no net loss of formal curriculum sports capacity. The area to be lost is not suitable for formal pitch sports, being undersized and only used for training grids and an undersized rounders pitch.
  - The existing MUGA is in poor condition and infrequently used; its loss would not materially affect current sports provision. The school retains a substantial overprovision of hard court area above requirements, and all hard-court sports are delivered on the main MUGA, which would be unaffected.
  - It is acknowledged, however, that Sport England considers the marking out of pitches on existing playing field land does not constitute quantitative replacement, and that the school already has a technical shortfall in playing field provision which would be exacerbated by the proposal.
  - While the Council's Indoors and Built Sports Facilities Strategy (IBSFS) concludes that there is no specific quantitative need for additional sports hall provision, the new sports hall would provide for a significant qualitative enhancement, enabling a broader range of indoor sports

and activities (including basketball, badminton, trampolining, and indoor cricket), and is designed to accommodate community use (secured through a Community Use Agreement as outlined below). This is supported by letters of support from local sports clubs and organisations, and would allow the school to host county-wide events indoors for the first time, for example.

- 7.10 Sport England, as a statutory consultee, has objected on the grounds that the proposal does not fully meet their exceptions, specifically in relation to local pitch provision. Sport England's objection is based on the fact that the applicant has not demonstrated that the playing field land to be lost is surplus to requirements for curricular or community use, and no replacement provision is proposed. While Sport England acknowledges that the need for the facility, technical suitability, community availability, and sports development criteria are broadly or fully met, they consider that the loss of playing field land is not justified by surplus provision or equivalent replacement. Furthermore, Sport England has raised concerns regarding Biodiversity Net Gain (BNG) planting on playing field land, which may further reduce usable sports space.
- 7.11 The Council's Open Space Officer has confirmed no objection to the proposal, noting that the area to be lost is not capable of providing suitable provision to meet identified deficiencies, and that community access at the school does not have security of tenure. The Open Space Officer's assessment is based on the Herefordshire Playing Pitch and Outdoor Sports Strategy (PPOSS), which discounts facilities without security of tenure from meeting local shortfalls. The Officer also notes that the new sports hall and associated community use agreement will provide significant benefits to both the school and local sports clubs.
- 7.12 Alternative locations for the new building were considered but would have resulted in greater loss of mature trees, biodiversity, or other sports provision, and would not have delivered the same educational and operational benefits. The chosen location for consideration as part of this application minimises overall impact and enables the centralisation of PE teaching and community use.
- 7.13 The sports hall has been designed to accommodate community use outside of school hours. In line with Sport England's guidance and the Council's Playing Pitch and Built Sports Facilities Strategies, it is recommended that a Community Use Agreement (CUA) is secured by condition. The CUA would set out the hours of community access, management arrangements, pricing policy, and how the facility would be promoted to local clubs and residents. This would ensure that the benefits of the new sports hall are maximised for both the school and the wider community, in accordance with Core Strategy Policy SC1 and the NPPF. It would also ensure alignment with the Council's IBSFS and the Playing Pitch and Outdoor Sports Strategy (PPOSS).
- 7.14 It is important to note that, while the proposal delivers significant qualitative benefits, it does not fully meet Sport England's policy in respect of local pitch provision, and the statutory objection remains unresolved. The technical shortfall in outdoor playing field provision, the loss of usable sports space due to BNG planting, and the absence of quantitative replacement are material considerations. On balance, however, the significant public benefits of the new sports hall, the limited value of the area to be lost, and the retention of sufficient outdoor and hard court provision are considered to outweigh the harm in this instance. Should members be minded to approve the application, the statutory objection from Sport England means the proposal must be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021 before any planning permission is issued.
- 7.15 To address temporary impacts, it is recommended that a condition be imposed requiring the restoration of any playing field or MUGA land used for construction compounds to at least equivalent quality, with a timeframe for reinstatement following completion of works. This will ensure that any temporary loss of sports provision is appropriately mitigated.
- 7.16 In terms of its scale and design, the proposed building adopts a contemporary architectural approach, with a form and material palette that is befitting of its proposed educational function.

The use of buff/grey masonry brickwork and contrasting dark cladding at higher levels would provide some visual interest and would also reflect the evolving character of development in the area, including the similar forms at the colleges abutting the site to the west. The design is informed by the Design and Access Statement, which demonstrates that the building would be legible, accessible, and provide a high-quality environment for pupils, staff, and community users. The layout ensures clear separation of pedestrian and vehicular movement, and the main entrance is defined by extensive glazing, providing natural light and passive surveillance.

- 7.17 The landscaping strategy has been reviewed by the Council's Built and Natural Environment Service who support the approach taken. The scheme provides for enhanced soft landscaping, including the addition of native trees, hedges, meadow grasses, and wetland habitat, as well as appropriate hard landscaping. The landscape design would soften the built form, enhance biodiversity, and contribute positively to the character and appearance of the site. The final details of planting, management, and maintenance are recommended to be secured by condition, in line with the landscape officer's comments.
- 7.18 The reconfiguration of the access loop to respond to highway related constraints and provide for short-stay parent drop-off spaces (as discussed below) would result in the removal of some existing trees, as identified in the submitted Arboricultural Impact Assessment and Tree Retention and Removals Plan. The Arboricultural Method Statement (AMS) provides adequate information to ensure that the important arboricultural resource within the site is protected. The Council's Tree Officer has raised no objection to the proposals, subject to works close to trees being undertaken strictly in accordance with the AMS and its associated plans. This can be secured via a planning condition. In addition, the Tree Officer supports the landscape officer's comments regarding proposed tree planting, which would assist in mitigating the loss and enhance the site's landscape and biodiversity value.
- 7.19 The proposal in this regard is considered to accord with Policy SD1, LD1 and LD3 of the Core Strategy and the design objectives of the NPPF.

### Heritage impact

- 7.20 The application site includes the Grade II-listed Aylestone School; the Grade II-listed Athelstan Hall sits to the west, at the junction of the A465 Aylestone Hill and Broadlands Lane. The location of these is shown by the blue markers on **Figure 3**, with the approximate location of the proposed two-storey building shown by the red-star.



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

**Figure 3 – Site (red-star) in relation to designated heritage assets (blue-markers) (Source: Historic England)**

- 7.21 The legislative framework for the consideration of heritage assets is set out in Section and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require special regard to be paid to the desirability of preserving listed buildings and their settings. These duties are reflected in the Core Strategy at Policies SS6, LD1, and LD4, - as well as the NPPF, which collectively require that development proposals conserve and enhance heritage assets and their settings, and that any harm is clearly justified and outweighed by public benefits.
- 7.22 The proposed two-storey building would be sited to the south of the main school complex, away from the principal listed building and adjacent to existing sports pitches. The new building would not be notably visible from Broadlands Lane, where the principal elevation of the listed building can be viewed. Views of the new building from the south would be seen in the context of the existing modern school buildings, with the listed building screened by retained tree cover as indicated on the landscape masterplan.
- 7.23 The proposal would also entail changes to the internal access loop; while this would introduce some additional hardstanding within the site, these works – taken together with the proposed landscaping and tree planting, are not considered to result in any additional harm to the setting or significance of the heritage assets.
- 7.24 The Council's Conservation Officer has assessed the proposal and raises no objection to the siting or design of the new building. While the expansion of the site would result in some erosion of the former grounds of the listed building, this is considered to result in a low level of less than substantial harm to its setting. In accordance with NPPF paragraph 215, this harm must be weighed against the public benefits of the proposal.
- 7.25 In this case, the public benefits include the retention and improvement of the school, the provision of modern educational and sports facilities, and the continued viable use of the listed building as part of the school complex. These benefits are considered to outweigh the very low level of harm identified.

#### **Access and highway safety**

- 7.26 It is noted that concern has been raised locally, as evidenced through the consultation, with respect to the impact of the development on access and highway safety. Great consideration has been given to the potential highway related impacts of the proposed development, in line with the expectations of Policy MT1 of the Core Strategy and the NPPF.
- 7.27 The site is accessed via Broadlands Lane, which connects to the A465 (Aylestone Hill) and provides the principal point of vehicular access. Broadlands Lane already serves both Aylestone High School and neighbouring and associated Broadlands Primary School – as well as residential properties, and is known to experience significant congestion during school peak hours. The proposed expansion would invariably increase pupil and staff numbers, intensifying demand on the local highway network. Trip generation analysis indicates a significant increase in movements during peak periods, but the majority of vehicle trips are linked to onward journeys (e.g. commuting or shopping) and not solely generated by the school.
- 7.28 To address these concerns and to manage these movements and minimise impact on the surrounding network, extensive discussions have taken place between Herefordshire Council (as applicant), the Local Planning Authority (LPA), and the Local Highway Authority (LHA). The scheme, as shown at **Figure 4** has consequently been amended to incorporate the re-use and reconfiguration of the existing internal loop road, which would operate as a one-way system and provide 24 short-stay parent drop-off spaces during peak periods. This mitigation is intended to alleviate congestion on Broadlands Lane and improve safety for pupils and local residents.





**Figure 4 - Proposed Detailed Vehicle Access Loop (rev P02 – 12/09/25)**

- 7.29 In parallel, Herefordshire Council is trialling a Safer Routes to School initiative, which restricts access to Broadlands Lane during peak hours. This scheme aims to reduce vehicle dominance and improve safety for pupils and residents. However, permanent implementation of Safer Routes to School is subject to a Traffic Regulation Order (TRO), and there remains uncertainty as to whether this would be secured. As such, the Safer Routes to School scheme cannot be relied upon as mitigation for the purposes of this application, and a permanent, deliverable on-site solution is required. Should the TRO be successful and the scheme made permanent, the applicant may seek to vary the planning permission to remove or amend the requirement for the internal loop, subject to future review and consultation with the LHA on the matter.
- 7.30 The submitted and updated Transport Assessment demonstrates that the site, given its location within Hereford, is accessible by sustainable modes, with good pedestrian and cycle infrastructure, proximity to public transport, and further improvements planned for active travel routes. The proposals include increased cycle parking, enhanced pedestrian routes, and a School Travel Plan to encourage sustainable travel behaviour.
- 7.31 Parking provision has been rationalised and increased, with a total of 98no. car parking spaces (including accessible and visitor bays) (an increase in 20no. spaces), three minibus spaces, and dedicated coach drop-off facilities for occasional use. Swept path analysis has been submitted and confirms that service and emergency vehicles can safely access and manoeuvre within the site.
- 7.32 The proposals are considered to comply with Core Strategy Policy MT1 and the NPPF, which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 116).

### Impact on residential amenity

- 7.33 In terms of considering the impacts on amenity, an Acoustic Design Report has been submitted and reviewed by the Council's Environmental Health Team. The report demonstrates that, subject to the implementation of recommended design measures, the development would comply with



BB93 'Acoustic Design of Schools' and BS4142 standards for external plant noise. The predicted noise levels at the nearest residential properties are not expected to exceed background levels, equating to a 'low impact'. A condition is recommended to secure the implementation and ongoing maintenance of all acoustic mitigation measures prior to first use of the development.

- 7.34 General amenity impacts, including those arising from construction, have been addressed through the submission of a Construction Environmental Management Plan (CEMP). The CEMP includes measures to manage construction traffic, deliveries, working hours, and dust, thereby minimising disruption to neighbouring properties and school users.
- 7.35 Additionally, a condition is recommended to control external lighting, ensuring that boundary habitats and residential amenity are protected from light disturbance.
- 7.36 No significant air quality issues have been identified by Environmental Health. The increase in traffic associated with the development is not considered to be of a scale that would materially affect local air quality, particularly given the mitigation measures proposed, including the School Travel Plan and active travel improvements.
- 7.37 In summary, subject to the recommended conditions, the proposal is not expected to result in significant adverse impacts on noise, air quality, or general amenity, and is considered to comply with Policy SD1 and the NPPF.

### **Ecology**

- 7.38 The application has been supported by a Preliminary Ecological Appraisal. The site is not within or adjacent to any statutory or non-statutory designated sites, and no irreplaceable habitats are present. The Council's Ecologist has reviewed the submitted information and is satisfied that, subject to conditions, the proposal would not result in significant adverse effects on biodiversity.
- 7.39 The Biodiversity Metric demonstrates that the scheme would deliver a net gain of approximately 13% in habitat units and 64% in hedgerow units, exceeding the statutory minimum 10% BNG requirement. This would be achieved through a combination of on-site habitat retention, creation, and enhancement, including new and improved grassland, woodland, scrub, hedgerows, and tree planting. The trading rules are satisfied for all habitat types, and no off-site provision is required. The delivery and long-term management of BNG would be secured by condition.
- 7.40 The updated lighting plan submitted has been reviewed and is considered. The plan ensures that key wildlife corridors, particularly along Aylestone Hill and to the north of Aylestone Grange, are protected from light spill. A condition is recommended to secure the implementation of the approved lighting plan and to require any future external lighting to be designed to avoid adverse impacts on habitats and protected species.
- 7.41 An Ecological Construction Method Statement has been submitted and is considered acceptable. The method statement must be adhered to throughout all construction and pre-construction activities, as secured by condition.
- 7.42 The site is located within both the River Wye and River Lugg catchments, and as such, a Habitat Regulations Assessment (HRA) is required. In this case, the additional pupils and staff to be accommodated by the proposed development are presumed to already be resident within the catchment, and as such, there is no net increase in population or nutrient loading to the designated sites. Welsh Water has raised no objection to the proposal, subject to conditions, and the final confirmation of the surface water discharge point is to be managed through a suitably worded condition. As such, the application can be screened out on the basis that the proposal would not result in likely significant effects on the River Wye or River Lugg Special Area of Conservation.

- 7.43 Therefore, the proposal is considered to comply with Core Strategy Policies LD1, LD2 and LD3, and the relevant sections of the NPPF. The scheme would deliver a measurable net gain for biodiversity, safeguard ecological features, and ensure that lighting impacts are appropriately managed.

#### **Flood risk and drainage**

- 7.44 The site is not identified to be at risk from flooding, and the area proposed for the siting of the new building is not at risk of surface water flooding.
- 7.45 The proposal looks to manage foul water flows through a connection to the mains sewer that exists within the site boundary; the proposed surface water drainage connection requires new pipework to be laid across third-party land (believed to be owned by Herefordshire College of Arts) to reach the public sewer in Whittern Way. At present, no evidence has been submitted to demonstrate that the necessary permissions or rights have been obtained from the relevant third-party landowner(s) to allow for the construction and maintenance of the proposed drainage connection.
- 7.46 A Grampian-style condition is recommended to ensure that no development can commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained. For a Grampian condition to be lawful and reasonable, there must be a real prospect that the required action can be achieved within the lifetime of the permission. It should be noted that, while this approach is considered necessary and appropriate, there remains a risk that if the required permissions cannot be secured from the third-party landowner, the development could not lawfully proceed.

#### **Other matters**

- 7.47 Matters raised in the representations relating to Herefordshire Council governance, officer departures, and legal oversight are not material planning considerations. The application has been processed in accordance with statutory requirements, including public consultation and notification. The adequacy of consultation has been reviewed and is considered to meet the required obligations. All relevant documents have been made available for inspection via the Herefordshire Council website.
- 7.48 Furthermore, the planning system does not determine the allocation of education funding or the prioritisation of investment. The application has been assessed on its planning merits, including the need for additional school places.

#### **CONCLUSION**

- 7.49 The proposed development would deliver significant public benefits through the expansion and modernisation of educational facilities at Aylestone High School, addressing an identified need for additional secondary school places in Hereford. The scheme would provide a modern, high-quality learning environment, enhanced sports provision, and improved community facilities.
- 7.50 While the development would result in the loss of a small area of playing field and the repurposing of an existing MUGA, the evidence demonstrates that these areas are of limited value for formal sports provision and that the new sports hall would deliver substantial qualitative benefits for both the school and the wider community. The statutory objection from Sport England is acknowledged; however, on balance, the public benefits of the proposal are considered to outweigh the harm identified.
- 7.51 The design, scale, and siting of the new building are appropriate to the context and would not result in any unjustified harm to the setting of heritage assets or the character and appearance of the area. Impacts on highway safety, residential amenity, ecology, and flood risk have been

considered and can be satisfactorily mitigated by the imposition of appropriate planning conditions.

- 7.52 Subject to conditions and the referral of the application to the Secretary of State in light of the Sport England objection, the proposal is considered to accord with the development plan when read as a whole, and there are no material considerations that indicate planning permission should be refused.

**RECOMMENDATION :** That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers, and subject to the application being referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021 due to the statutory objection from Sport England.

#### **STANDARD CONDITIONS**

1. **Time Limit for Commencement**  
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. **Approved Plans and Documents**  
The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below, and the schedule of materials listed thereon.

**Reason:** To define the terms of the permission and ensure the development is carried out as approved.

#### **PRIOR TO COMMENCEMENT**

3. **Surface Water Drainage (Third Party Land)**  
No development shall commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained from the relevant third-party landowners to allow for the construction and maintenance of the proposed surface water drainage connection to the public sewer in Whittern Way (BLMS0601-HYD-52-NXX-D-C-7011 P03 & BLMS0601-HYD-52-NXX-D-C-7010 P03).

**Reason:** To ensure a satisfactory means of surface water drainage and to prevent flooding, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

4. **Contamination**  
Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.

Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

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

#### **COMPLIANCE/ CONSTRUCTION PERIOD**

##### **5. Arboricultural Compliance**

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans, for the duration of the construction period?

:

- Arboricultural Method Statement – Origin Environmental – 240314\_24014\_AMS\_V1 – September 25
- Tree Retention and Removals Plan – Origin Environmental – 240314\_24014 TRRP V2a\_OE-003 – September 2025
- Tree Protection Plan – Origin Environmental – 240314\_24014 TPP V2a\_OE-004 – September 2025

**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.

##### **6. CEMP Compliance**

The development hereby permitted shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) Revision 05, dated October 2025, including all appendices and referenced ecological method statements. The measures contained within the CEMP shall be implemented and adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the amenity of the area, protect biodiversity, and ensure the development is carried out in an environmentally responsible manner, in accordance with Policies SD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

#### **PRIOR TO FIRST USE/OCCUPATION**

##### **7. Parking, Drop-off, and Cycle Storage**

Prior to first use of the development hereby approved, the parking, drop-off, and cycle storage facilities shown on the approved plans (BLMS0601-AHR-30-ZZZ-D-L-0525 P02 and BLMS0601-AHR-30-ZZZ-D-L-0520 P05) shall be provided and made available for use. These facilities shall be retained thereafter.

**Reason:** To ensure adequate parking and promote sustainable travel, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

##### **8. School Travel Plan**

Prior to first use of the development hereby approved, an updated School Travel Plan, including the establishment and ongoing operation of a School Travel Plan Steering Group, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved and monitored for a minimum of five years.

**Reason:** To promote sustainable travel and reduce congestion, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

##### **9. Acoustic Design Compliance**

All recommendations outlined in Acoustic Design Report ref.BLMS0601-HYD-10-ZZ-T-AC-0001, dated 6th March 2025, shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained.

Reason: In order to protect the amenity of the area and future users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

**10. Community Use Agreement (CUA)**

Prior to first use of the development hereby approved, a Community Use Agreement (CUA) prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The CUA shall include, but may not be limited to details of hours of use, management, pricing, and access arrangements. The approved CUA shall be implemented upon first use and adhered to thereafter.

Reason: To secure community access to the facility, in accordance with Policy SC1 and the National Planning Policy Framework.

**COMPLIANCE/OPERATIONAL**

**11. Reinstatement post construction works**

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, materials shall be removed from the site and the land shall be reinstated in accordance with a restoration scheme submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include:

- A condition survey of the affected playing field and/or MUGA prior to commencement of reinstatement works;
- Details of reinstatement to at least equivalent quality;
- A timetable for completion of restoration works (including a growing-in period for grassed areas).

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy and Paragraph 104 of the National Planning Policy Framework.

**12. Landscape Implementation**

The development hereby permitted shall be carried out in full accordance with the approved Landscape Masterplan (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0520, Rev P05), Soft Landscape Layout (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0540, Rev P04), and Landscape Specification (ref: BLMS0601-AHR-10-LZZ-T-L-0610, P01), or any subsequent details approved in writing by the Local Planning Authority. All planting, seeding, and turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion or first occupation of the development, whichever is sooner.

Reason: To ensure the satisfactory appearance of the development and to enhance biodiversity, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

**13. External Lighting Compliance**

The development hereby permitted shall be carried out in full accordance with the approved external lighting plan (drawing ref: BLMS0601-HYD-55-Z00-D-ME-7001, Revision P04, by Stantec). No external lighting shall be installed except in accordance with the approved details. Any future external lighting must be designed to avoid adverse impacts



on habitats and protected species, and details shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect habitats and species, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**14. Surface Water Discharge Rate**

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 1.4 l/s.

Reason: To prevent hydraulic overloading of the public sewerage system and protect the environment.

**15. Site Compound Removal**

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, and materials shall be removed from the site. The land shall be reinstated to its former condition or in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy.

**16. Landscape Maintenance**

All planting, seeding, or turfing carried out as part of the approved landscaping scheme shall be maintained for a period of five years from the date of planting. Any trees, plants, or areas of seeding/turfing which, within this period, are removed, die, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful establishment and long-term retention of the approved landscaping, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

**INFORMATIVES:**

1. This permission will not be issued until the application has been referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.
2. The applicant is advised that some conditions attached to this permission require the submission and approval of details prior to commencement of development. Failure to comply with these conditions may render the development unlawful.
3. The applicant is reminded of their legal obligations under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If protected species are encountered during development, works must cease and advice sought from a qualified ecologist.

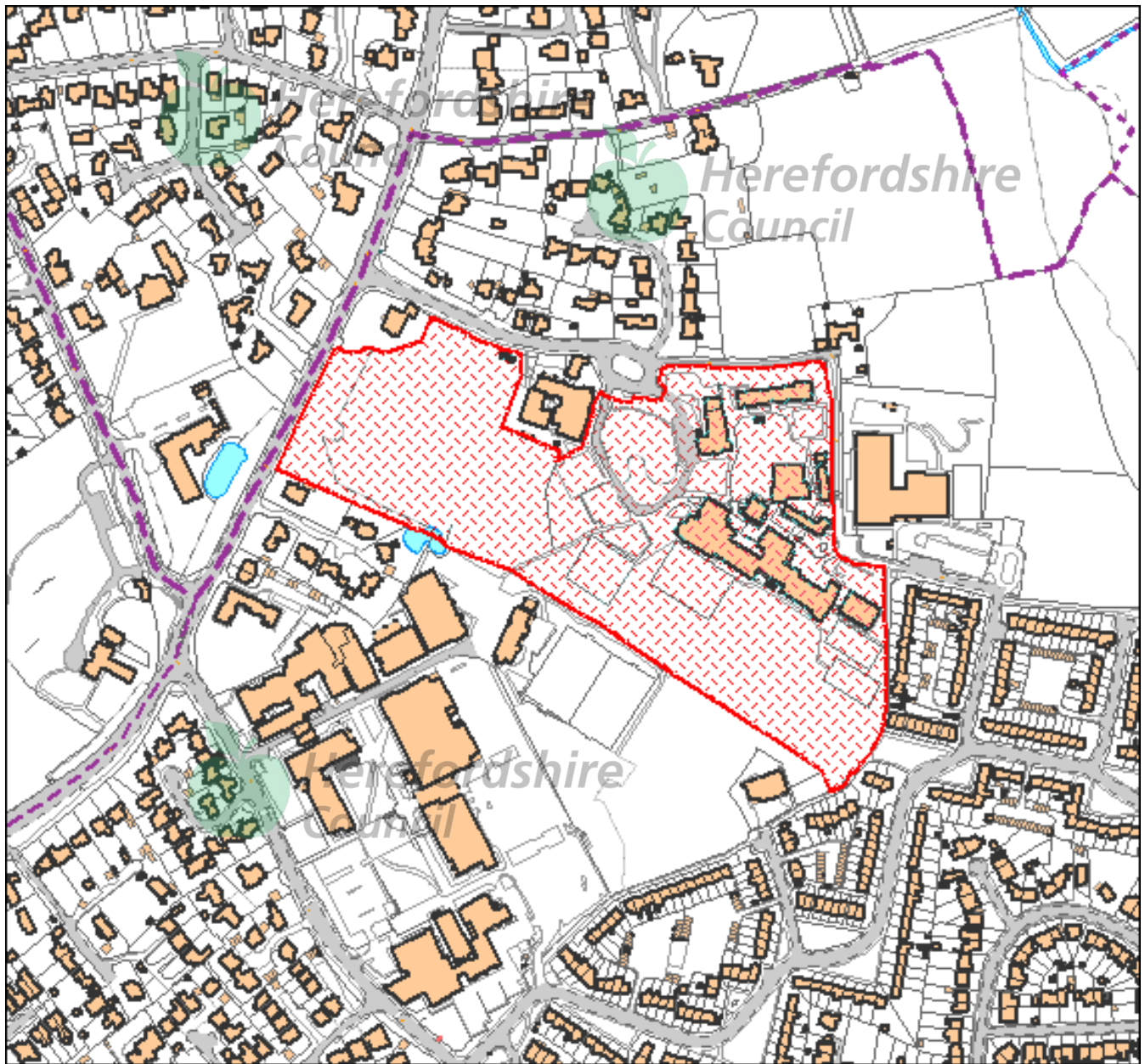
Decision: .....

Notes: .....

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## Background Papers

None identified.



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**APPLICATION NO:** 251073

**SITE ADDRESS :** AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

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

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>19 November 2025</b>
<b>TITLE OF REPORT:</b>	<b>252087 - PROPOSED CHANGE OF USE FROM A PUBLIC HOUSE (SUI GENERIS) TO A DWELLINGHOUSE (CLASS C3). AT THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN</b>  <b>For: Mr &amp; Mrs Griffiths per Mr Simon Rowles, P O Box 937, Worcester, WR4 4GS</b>
<b>WEBSITE LINK:</b>	<a href="#">Planning Application Details - Herefordshire Council</a>
<b>Reason Application submitted to Committee – Applicant related to a member of staff.</b>	

Date Received: 18 July 2025

Ward: Hampton

Grid Ref: 359823,252749

Expiry Date: 19 November 2025

Local Member: Cllr B Baker

## 1. Site Description and Proposal

- 1.1 The application site lies within Pencombe, north of the C1114, and is surrounded by residential properties. The site contains a public house with two bedroom manager's accommodation above, known as 'The Wheelwrights'. The external walls of the building are mostly finished in white render, though areas of the west elevation lean to are constructed in natural stone and red brick. Two full height chimneys exist on the east and west elevations, constructed in red brick and stone, and a timber framed porch with dual pitched roof extends from the front elevation. The roof of the porch and dwelling are finished in natural slate.
- 1.2 The building is set back from the road, behind a hard surface used for parking/turning. The east and west boundaries are defined by close boarded timber fencing, and the north by dense landscaping.



- 1.3 The proposal is for change of use of the public house to a dwelling. No external alterations are proposed and the internal floor layout would be retained, except for the removal of fixtures and

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Further information on the subject of this report is available from Chloe Allen-Hewitt on 01432 260000

fittings associated with the existing use, including the bar and seating. Proposed ground and first floorplans are shown below.



## 2. Policies

### 2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA5 – Re-use of rural buildings
- RA6 – Rural economy
- H3 – Ensuring an appropriate range and mix of housing
- SC1 – Social and community facilities
- MT1 – Traffic management, highway safety and promoting active travel
- E1 – Employment provision
- E2 – Redevelopment of existing employment land and buildings
- E4 – Tourism
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The 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/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

### 2.2 Pencombe Group Neighbourhood Development Plan



A neighbourhood area was designated on 12 May 2016. However, there is currently no draft or 'made' Neighbourhood Development Plan.

## 2.3 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, loss of community assets, and protection of the natural and historic environment (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 DCN991455/F (NC1999/2792/F) - Change of use of redundant outbuilding to create self catering holiday accommodation. Approved.
- 3.2 DCH980043/F (N98/0024/N) – New oak framed porch. Approved.

## 4. Consultation Summary

### Statutory Consultations

4.1 **Welsh Water Comments** – No objection, subject to conditions.

*'We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.'*

*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 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'*

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Further information on the subject of this report is available from Chloe Allen-Hewitt on 01432 260000

## Internal Council Consultations

### 4.2 Ecology Comments – No objection, subject to conditions.

#### ***Habitats Regulations Assessment***

*The application site lies within the 'Lodon' hydrological 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 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.*

#### ***Notes in respect of HRA***

*The proposal is for the change of use of an existing public house (Sui Generis) to ONE dwelling house.*

- The proposal is to manage foul waters via the existing mains sewer connection. At this location the mains sewer network is managed through DCWW's Pencombe Waste Water Treatment Works (WwTW).*
- The existing public house includes a small managers flat which until recently (September 2024) was tenanted (i.e. overnight accommodation).*
- The proposal is to turn the entire public house into one 4-bedroom dwelling. Therefore, no additional dwellings will be created and this can be considered a 'like for like' replacement and no new or additional nutrient pathways created and no change in existing nutrient loading calculations is identified.*

*No other potential effects on the River Lugg (Wye) SAC are identified for this proposed development at this location.*

*As all mitigation measures are clearly embedded into the proposed development and plans supplied and approved this application can be considered as 'screened out' at Stage 1 of the HRA appropriate assessment process and no formal consultation with Natural England is triggered for this specific application.*

#### ***Ecology***

*The proposal does not include any external alterations, and there will be minimal alterations internally. Based on supplied and available information there are no effects on local ecological interests identified for the proposed development at this location as the application is for a proposed change in use of the building. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection at all times during construction as afforded through the Wildlife & Countryside Act.*

#### ***Wildlife 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 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 is advised that advice from a local professional ecology consultant is obtained.*

### **Biodiversity Net Gain**

*As this application does not include any external alterations, and therefore is exempt as it is a development below a de minimis threshold. This is because the proposed does not:*

- Impact a priority habitat; or*
- Impact more than 25<sup>2</sup>m of non-priority habitat.*

*“This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m x 5m) of non-priority onsite habitat (such as modified grassland) or 5m for non-priority onsite linear habitats (such as native hedgerows). This exemption is designed to ensure that BNG does not apply to either very small scale development or development which does not impact habitat, through loss or degradation within the red line boundary. In practice, this will be demonstrated by a decrease in the biodiversity value, which is determined by the biodiversity metric.”..” It’s worth remembering that existing sealed surfaces such as tarmac or buildings are assigned a zero score in the statutory biodiversity metric, meaning that these surfaces are effectively exempted from the 10% net gain requirement.” Government Guidance 22nd January 2024*

*If any amendments are made to the proposed development that impacts over 25m<sup>2</sup> of any natural or unsealed surfaces the statutory BNG ‘condition’ will automatically apply*

#### **4.3 Area Engineer (Highways) – No objection.**

No objections to the proposed, no highways implications

### **5. Representations**

#### **5.1 Parish Council Comments: Object.**

*On behalf of our Parish residents we wish to strongly object to planning application P252087/F for change of use of the Wheelwrights Arms public house to a private dwelling.*

*In talking to the residents it is overwhelmingly clear that they do not want change of use to be granted and that they have felt the negative effect of the loss of the local pub over the last 14 months, waiting in hope that it will re-open as such. The objections registered on the planning website back this up with 73 individual objections.*

*We feel that the pub is a vital piece of our community, encouraging social connection, facilitating information flow and building the sort of friendly atmosphere that seems to be disappearing in today’s society, where people in rural areas are becoming increasingly isolated. The permanent loss of the Wheelwrights Arms as a public house will have an enormous negative impact on the community, being that one place that would bring people together from different generations and different walks of life, in a way that other community gatherings struggle to achieve – coffee morning for example, although well supported and a great social activity in itself, is largely supported by the retired generation. It is our fear that without the Wheelwrights Arms as a public house, younger people moving to the village will not integrate, add their own personality to village life and contribute to what is so unique and great about living in a village like Pencombe.*

*The Wheelwrights Arms is also a historic part of Pencombe, one of the oldest remaining buildings, dating back to the 16<sup>th</sup> century. It certainly is a building that, located near the centre of the village will be memorable to people who have lived here or visited. Pencombe is actually*

*quite a popular tourist destination, with multiple Holiday Lets in the area – a local village pub fits entirely with this attraction to the area.*

*In terms of the application itself, the owner's claim in point 4 of 'Introduction and Site Context' that "interest has been secured, including from community groups, but no offers have progressed to completion", this is due entirely to the owner. A Community Benefit Society was set up and a sales price was agreed on with the owner, work was largely done on the grant proposal and community funding for the non-grant portion appeared to be no issue following responses to a questionnaire that was circulated within the community. However, this only failed to progress to completion because the owner raised the already above valuation price by a further 30%, claiming it was due to how busy it was (contrary to his claim regarding commercial viability). By the time the owner decided that he would be willing to reduce the price (again, still above valuation), the government grant scheme had been withdrawn.*

*I believe there have been multiple other offers made above valuation, including from local residents keen to see The Wheelwrights Arms re-open, however the owner's asking price has been too high and he has shown little willingness to move on this, seemingly with this change of use end goal in mind. I think that it is worth noting that the owner is not a resident of the Parish and has done very little in terms of investing in the upkeep and maintenance since buying the Wheelwrights Arms.*

*Whilst I'm sure the Planning Committee are aware of the existing policies and legislation, we would like to point out Paragraph 98 of the National Planning Policy Framework, that planning decisions should 'guard against the unnecessary loss of valued facilities and services', and also Policy SC1 of the Herefordshire Core Strategy requiring community facilities to be retained 'unless demonstrably not viable and no longer needed' – we definitely do not feel that this is the case given the offers made above valuation.*

*Although there is The Three Horseshoes Pub in Little Cowarne, The Wheelwrights Inn is the only pub in the village of Pencombe. Considering the demographic of the village it is unreasonable to consider The Three Horseshoes as a replacement option, with walking distance from Pencombe being over 2 miles along narrow country lanes with limited visibility to traffic.*

## 5.2 **73 letters of objection:** Summarised under key themes below:

### *Loss of a Valued Community Asset*

The Wheelwrights Arms is described as the social heart of Pencombe, serving as a hub for residents across generations. It has hosted sports teams, darts and crib nights, Young Farmers meetings, charity events, and informal gatherings. Many residents advise the pub has previously been well supported and successful. Objectors stress that its closure would irreversibly damage the village's social infrastructure and cohesion.

### *Mental Health and Social Inclusion*

Multiple representations highlight the pub's role in combating rural isolation, particularly for elderly residents and those in farming communities. The pub is seen as a safe and welcoming space for informal support and connection, essential for mental wellbeing. Closure of the pub during covid and in 2024 is stated to have had a measureable impact on local social life.

### *Economic and Tourism Impact*

The pub supports local businesses, including holiday lets, wedding venues, and tradespeople. Its closure is seen as detrimental to the local economy and tourism offer, particularly in a county promoting rural tourism where a local pub adds to the visitor experience and attraction. The pub also provides employment for local people and supports a network of suppliers.

### *Neglect and Intentional Decline*

Objectors allege that the current owner has failed to invest in the property, contributing little to its upkeep, and has made it difficult for tenants to make money due to rent increases/ excessive rent. There is a damp/black mould issue in the living accommodation and toilets, the catering kitchen has not been maintained to commercial standards, and there is a structural issue with the roof. Objectors state that the owner set an unrealistic asking price, noting the buildings condition and comparing to other pubs in the locality which have been sold and are retained as pubs; offers to purchase the pub have reportedly been

declined. Residents advise that there is demand for the facility in rural locations and consider that the pub would sell if the price was right, with the correct investment and setup.

Furthermore, a number of comments highlight that the pub was running successfully in recent years, including through 2023, when it was the functioning hub of the community. The most recent tenant ran the pub for one year as, due to the pub being on the market, the owner would only grant a one-month rolling tenancy. Despite this, the tenant ran a successful business and only moved on as he was offered a more secure tenancy in a different pub. The previous tenants ran the business in excess of ten years and only left due to ill health.

#### *Community Interest in Acquisition*

A detailed timeline from the Wheelwrights Arms Community Benefit Society (CBS) outlines multiple offers made to purchase the pub, including £180,000, £250,000, £280,000, and £240,000. A professional valuation by H J Pugh placed the property at £170,000, significantly below the asking price. Bids to purchase the premises were initially accepted by the owner, but the asking price was subsequently increased. A number of objectors state that there is still appetite and wherewithal to proceed to purchase the pub as a community asset.

#### *Policy Conflict*

Objections cite Policy SC1 and RA6 of the Herefordshire Core Strategy and Paragraphs 88, 96, 98 and 216 of the NPPF, arguing that the application fails to demonstrate that the pub is no longer viable or required. Reference is made to the Newtown Inn, Lower Eggleton appeal case where similar circumstances led to refusal (planning reference: 191533 relates).

#### *Heritage and Cultural Value*

The Wheelwrights is described as a non-designated heritage asset, with historic and cultural significance that extends beyond its commercial function. The loss of the pub would detract from the historic environment of Pencombe.

#### *Accessibility and Alternative Provision*

The nearest alternative pub is The Three Horseshoes, which is not considered a viable substitute due to distance, terrain, and lack of public transport; there is limited accessibility of those with mobility challenges. Requiring residents to travel further afield is a cause for highway safety, and would increase pollution and cost.

### 5.3 CAMRA Comments – Objects, comments as follows:

*Herefordshire CAMRA objects to this proposal on the following grounds:*

1. *Negative social and economic impact on the local and wider community*
2. *Failure to demonstrate that the pub business is commercially unviable*
3. *Inadequate marketing of the premises as a pub business*

#### *1. Social & Economic impact of the proposal*

*1.1 The Wheelwrights Arms is the only public house in the village of Pencombe and has been for around four centuries. It is the only facility in the village that provides an ad hoc social meeting venue for the local community where they can drop-in spontaneously. Further, the Wheelwrights has been a meeting place for generations for social clubs, sporting clubs and for wakes, wedding receptions and private parties. The loss of this facility will have a significant and persistent harmful effect on the social health of the local community. This is borne out in the correspondence provided in more than seventy objections to this proposal.*

*1.2 There is no realistic viable alternative pub the community in Pencombe can use. The next nearest pub is the Three Horseshoes at Little Cowarne. This is over a mile distant from Pencombe along narrow country roads that have neither pavements nor street lighting. It isn't realistically feasible to walk or cycle to from this other pub, therefore, this proposal would either invite the spectre of drink-driving, but for those who have no access to a private car (including the elderly and less well-off) they will have no access to this facility. Moreover, currently the Three Horseshoes is very much a food-led operation that specialises in accommodating the needs of wedding parties and other similar group gatherings. It doesn't have the trappings of a community-focused pub like the Wheelwrights Arms.*



Even if its distance from Pencombe could in some way be overcome, it is difficult to see how it can realistically replace the community-focused amenities that have been provided for generations by the Wheelwrights Arms.

1.3 The permanent loss of the pub will also have a negative impact on the economic vitality of the local community. Historically, the Wheelwrights has provided employment to local people. Therefore, its permanent loss will further reduce already scarce employment opportunities in this rural community. Specifically, it will result in the loss of part-time employment opportunities that will have a particularly negative impact on the young seeking employment and second-wage earners in local households, many of whom will not have regular (or any) access to private transport.

1.4 Finally, a broader and more subtle economic impact will be felt in both the local and wider community. The pub's loss will impact tourism and the 'destination' hospitality offer by reducing the choice of country pubs available to visit to the wider community. Its loss will diminish the opportunity for new pub operators to establish and build businesses in Herefordshire, plus there will be a further economic impact as local businesses, who have provided services and goods to the pub for generations, lose trade.

## 2. Failure to demonstrate the pub business is not viable

2.1 The onus lies with the applicant to provide evidence to demonstrate that a pub business is no longer commercially viable. It is CAMRA's view that such evidence has not been provided with this application. Whilst CAMRA takes no issue with the view of the current owner in terms of not wishing to run the pub business, it is our view that past trading experience by an individual owner/operator is not necessarily representative of a pub's structural (long term) viability. In other words: past performance of a business (good or bad) is not a guaranteed indicator for future business performance. A particular pub operator at a moment in time may struggle for a host of reasons, which may include how they have financed and run their business. Key personal financial attributes can vary greatly from one operator to another, thus questions need to be asked, such as: Is a business secured by loans? Is there a mortgage to be serviced on the property? What is their personal financial and domestic situation of the operator? All of these factors will vary significantly from one pub operator to another and will have a major bearing on the success or otherwise of a pub business. Thus, it is imperative to ensure that other potential operators (who will invariably have a different business model and/or funding arrangements) are provided with an opportunity to purchase a pub by it being marketed for sale (this is covered in Section 3).

2.2 The Wheelwrights has a number of key advantages as a village pub. It will be these that explain why it has traded successfully as a village pub (largely uninterrupted) for such an extended period of time. The pub has all the facilities required to provide the social amenity that Pencombe requires, as well as attracting visitors from the likes of Hereford and Bromyard (just like the Three Horseshoes in Little Cowarne also does). The case of both the Kings Head at Docklow, HR6 0RX and the Lamb Inn at Stoke Prior, HR6 0NB are pertinent here; both of these pubs are in smaller or similar-sized settlements to Pencombe, but after surviving recent attempts to convert them into private houses (and following extended periods of closure during which time they were not marketed for sale), both are now open again and trading successfully. CAMRA sees no reason as to why this cannot be achieved with the Wheelwrights Arms.

## 3. Inadequate Marketing of the Pub Business

3.1 CAMRA believes the marketing of the Wheelwrights as a pub business cannot be considered to be sufficiently robust, such that it fails to satisfy the provisions of Herefordshire Council Planning Policy SC1, Section 5.1.36, whereby it states explicitly that at least twelve months of marketing activity needs to be undertaken.

3.2 CAMRA does not have sight of the Sidney Phillips marketing report for the Wheelwrights Arms as provided with this application by the owner. However, in the planning document submitted with this application, it is stated the pub had been marketed for 30 months and that there had been significant reductions in the asking price, without stating when during the sale process that these reductions were initiated. There are copies of two Sidney Phillips sales particulars provided with this application: one for the auction, and another showing the pub for sale at £250,000, but these documents are undated. Further, it makes brief mention of "interest from community groups" without explaining why these did not proceed. Finally, there is no mention of any effort being made by the owner to consider alternative community uses for the premises as is also required by Herefordshire Council Policy SC1.

3.3 Despite not having sight of the marketing report, it has still been possible to undertake an analysis of the marketing of the Wheelwrights Arms as a pub business. What has enabled us to achieve this is the submission of a document by Mr James Lewis in his objection that is logged on the Herefordshire Council planning portal for this application. Mr Lewis, as well as being an experienced pub operator and brewer/cider-maker, is a member of Pencombe Parish Council and Chair of the Wheelwrights Arms Community Benefit Society (CBS), who sought to purchase the pub with the aim of taking it into community ownership. Furthermore, prior to this initiative, he also claims to have made a number of personal offers to purchase the premises as a private individual. The background and timeline of these efforts are set out in detail in Mr Lewis's objection submission. Without wishing to duplicate these matters in detail, this report instead paraphrases key events and highlights some of the most pertinent details. These are set out in the next paragraph.

3.4 Mr Lewis states that in 2023 the Wheelwrights Arms CBS made an offer of £250,000 to purchase the freehold of pub and this was accepted by the owner. However, it is then claimed that this price was later increased by the owner. Subsequently, the CBS made a further (higher) offer of £280,000. This offer was accepted by the owner. However, when the CBS had the pub independently valued (this was a requirement of one of the grant bodies that were part-funding the purchase) by Ledbury-based commercial auctioneers and valuers, H J Pugh & Co, they advised a valuation of at £170,000 based on the pub's facilities and condition. Subsequently, with the large disparity between the valuation and the asking price, it was deemed necessary for the CBS to withdraw the offer as the grant monies promised would not be forthcoming owing to the significant mismatch in valuations. Later, as the local community became increasingly concerned about the future status of the pub, a new offer was made by the CBS to the owner for £240,000 freehold. Despite this offer being in excess of the H J Pugh & Co valuation by a sum of £70,000, the offer was declined by the owner. The pub has remained unsold since. The H J Pugh & Co valuation document has been submitted as evidence with Mr Lewis's objection.

3.5 To test the asking price of the Wheelwrights Arms, CAMRA has taken the opportunity to look at other pubs that have recently been sold across Herefordshire. How do their attributes/facilities along with their actual SALE prices (for which they were actually sold) compare to the aspirational asking price for the Wheelwrights Arms? Such a comparative pricing exercise can be a valuable tool in helping to understand the likely true market value of a pub. CAMRA has successfully used this technique before, and such analyses have withstood scrutiny at HM Planning Inspectorate appeal hearings, whereby they have been deemed to be material in arriving at the conclusion that a pub had been overvalued for sale.

3.6 There are two pubs that have recently been sold in Herefordshire that can help inform how realistic the owner's valuation of the Wheelwrights Arms is.

3.7 The Red Lion at Madley, HR2 9PH, was sold in 2024 for £280,000 freehold based upon an asking price of £325,000. The sales particulars for this property are attached as Appendix 1 to this document. Noteworthy with this pub property is that it boasts three-bedroom owners' living accommodation, plus a further EIGHT en-suite letting rooms. Inside it has three public dining/drinking areas; a fully-equipped catering kitchen, and a functioning beer cellar. It also benefits from a large brick-built barn as one of a number of outbuildings along with a substantial garden. It is located in a popular and more populous village than Stoke Prior; it is only six miles from Hereford, and has successfully traded in the very recent past. It is quite evident that this property is superior to the Lamb Inn in terms of its location, trading history and the scope and size of its facilities, yet it was sold in 2024 for only £30,000 above the lowest asking price being asked for the Wheelwrights Arms.

3.8 The Roebuck Inn at Brimfield, SY8 4NE, was sold in April 2025 for £200,000 based on an original asking price of £295,000 (later reduced to £265,000) freehold. The sales particulars for this property are attached as Appendix 2 to this document. This Grade II-listed village pub comes with a previously highly successful trading history. Located in the Village of Brimfield, it is just off the A49 trunk road and is only four miles from Ludlow. The property is advertised as benefitting from three trading areas (including a 30-cover restaurant) and comes with three en-suite letting rooms; four-bedroom owners' living accommodation, plus it boasts a separate café, garden and substantial car park.

3.9 Noteworthy is that the Wheelwrights Arms is smaller than both of these pubs; it doesn't benefit from having en suite guest accommodation, nor does it have extensive dining areas like they do. It is clear that both of these pubs are far superior to the Wheelwrights Arms, yet the prices they sold for sit in the

same region (and in one case lower) as the lowest asking price for the Wheelwrights Arms. These two comparator pubs have traded successfully in recent times, whereas the Wheelwrights has struggled, with trading volumes likely to not have been helped due to under-investment in the pub's facilities and fabric over recent years, which will only further reduce its market value. CAMRA believes this pricing comparison evidence is entirely consistent with the £170,000 valuation provided by H J Pugh & Co to the CBS for the purchase of the Wheelwright Arms.

3.10 This exercise demonstrates that the asking prices that have been advertised for the Wheelwrights Arms to date have been out of kilter with the prevailing local pub market. This over-valuation of the property, allied with the pub's poor physical condition (as is referred to in the H J Pugh & Co valuation document), will likely explain why the pub has failed to attract a buyer. It is important to recognise that a potential buyer is likely to: a.) need to borrow at least some commercial money, and, therefore: b.) require an independent professional valuation. Unless they are a cash buyer willing to pay in excess of the H J Pugh & Co valuation, it would be impossible to fund the purchase of the pub for the reason that lenders will take heed of the professional valuation for the reason that the security on their loan is in the property's equity – this is an immutable fact. Ironically, it was this very issue of not being able to resolve the mismatch between the asking price and likely true market value that ultimately forced the CBS to withdraw their offer for the Wheelwrights Arms.

3.11 Therefore, CAMRA contends that the marketing exercise so far undertaken has not been a genuine endeavour to sell the property as a pub business for the reason the asking price is not commensurate with what its market value. There is little doubt this will have deterred serious interest from potential buyers, and it would appear to have also thwarted efforts by the CBS to buy the pub on behalf of the local community.

3.12 In conclusion, CAMRA believes to grant consent to this application would, at the very least, be grossly premature. In light of the valuation evidence as presented, and taking into consideration the significant permanent social and economic harm that will be created, it should be resisted. Furthermore, only the rejection of this application will provide a proper opportunity for the local community to make fresh moves to buy their local pub.

**CAMRA RECOMMENDS THIS APPLICATION SHOULD BE DECLINED**

Appendices attached with this document:

Appendix 1: Sales Details Red Lion Madley.pdf

Appendix 2: Roebuck Inn Brimfield.pdf

The consultation responses can be viewed on the Council's website by using the following link:- <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252087&search=>

## 6. Officer's Appraisal

### **Principle of Development**

#### **Locational Sustainability**

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

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

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Paragraph 11 of the NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development. This makes clear that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies

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or the most relevant policies are considered to be ‘out-of-date’, then the presumption in favour of sustainable development as set out by Paragraph 11 d) (‘the tilted balance’) is engaged. This means that planning permission should be granted, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>1</sup>.

- 6.4 Footnote 7 to Paragraph 11d (i) specifies that the policies referred to include those related to habitats sites, Sites of Special Scientific Interest, Green Belt land, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
- 6.5 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five year supply of housing land. The current supply figure in the county stands at 3.11 years. The relevant policies of the development plan should therefore be regarded as being ‘out of date’ and the positive presumption as set out at Paragraph 11 d) is engaged.
- 6.6 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. The spatial strategy set out in the CS is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as the CS helps in some ways define what may amount to a ‘sustainable location’, ‘effective use of land’ and ‘securing well-designed places’, key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.7 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF.
- 6.8 In locational terms Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.9 Policy RA1 relates to rural housing distribution. A minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county’s housing needs. New dwellings will be broadly distributed across the county’s rural areas on the basis of seven Housing Markets Areas (HMA). This acknowledges that different areas of Herefordshire have different housing needs and requirements.

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<sup>1</sup> The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

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- 6.10 The CS outlines that to maintain and strengthen locally sustainable communities across Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements outlined under Policy RA2. This site is within the Bromyard HMA, which is earmarked for a 15% indicative housing growth and Pencombe is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development.
- 6.11 With the above in mind, the site is considered to be a sustainable location for residential development, according with the spatial strategy of the CS.

Loss of Community Asset

- 6.12 Whilst the site would be considered a sustainable location for residential development, the proposal would result in the loss of an existing public house and associated manager's accommodation. The public house is considered to be a community facility in respect of Policy SC1 of the CS. This policy supports the protection, retention and enhancement of existing social and community infrastructure, and makes clear that community facilities, such as public houses, should be retained unless it can be demonstrated that
- a) an appropriate alternative facility is available, or can be provided to meet the needs of the community affected (viable alternative facilities must be equivalent to those they replace, in terms of size, quality, and accessibility); or
  - b) it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and
  - c) where appropriate, it has been vacant and marketed for community use without success.
- 6.13 Paragraph 5.1.36 of the CS explains that evidence of marketing for a period of at least 12 months should be provided with any proposals involving the loss of community facilities. Furthermore, Paragraph 88(d) of the NPPF requires planning decisions to enable the retention and development of accessible local services and community facilities, such as public houses, amongst others.
- 6.14 In respect of a), no assessment of alternative facilities in the surrounding area has been provided with the application. However, Officers note that the next closest public house to Pencombe is The Three Horseshoes Inn which is approximately 1.5 miles to the south, with the route being along a narrow country lane, with a 60mph speed limit and no footway or street lighting. The public house(s) in Stoke Lacy and Bromyard are approximately 3.6 miles and 4.5 miles, respectively, from Pencombe, along similar narrow country lanes which aren't conducive to walking or cycling. There is a bus stop in the village with a service running from Hereford – Bromyard – Ledbury (and vice versa), and rural settlements in between, including Little Cowarne. However, this appears to offer a very limited service, running Monday – Friday with only one out and back route early morning/afternoon.
- 6.15 Objectors raised concerns with regard to the lack of an alternative public house, with the Three Horseshoes not considered to be a viable substitute due to distance, terrain along the route, and lack of public transport. In particular, concerns were raised regarding elderly residents or residents with mobility challenges which may find it difficult to access an alternative facility further afield. CAMRA also advised that *'...currently the Three Horseshoes is very much a food-led operation that specialises in accommodating the needs of wedding parties and other similar group gatherings. It doesn't have the trappings of a community-focused pub like the Wheelwrights Arms.'* It is unlikely that residents of Pencombe would choose to access public houses in the surrounding area on foot or by public transport and, given their distances from the application site, it is not considered that they offer an equivalent community facility in a convenient and accessible location.
- 6.16 In respect of b) the Planning Statement advises that the marketing report and accompanying evidence conclusively demonstrates that The Wheelwrights Arms is no longer viable, having been



vacant since 4<sup>th</sup> September 2024 and marketed without success. Whilst the marketing report provides a summary of the marketing campaign which has been carried out for the property, which is considered in more detail below, it provides little assessment of the viability of use of the building as a public house. It is understood that the public house has previously been run successfully and no trading accounts have been provided to suggest otherwise. The sales particulars state *'This property was acquired by our clients some sixteen years ago. Although they operated it themselves for the first two years, it was always an investment purchase and the property has been let to independent tenants over the subsequent 15 years. Therefore no trading accounts are available and prospective purchasers will need to reach their own conclusion as to the potential trade and profitability which can be enjoyed at this outlet.'* Representations received highlight that the most recent tenant ran the pub for one year as, due to the pub being on the market, the owner would only grant a one-month rolling tenancy. It is stated that, despite this, the tenant ran a successful business and only moved on as he was offered a more secure tenancy elsewhere. It is also understood that the previous tenants ran the business in excess of ten years and only left due to ill health.

- 6.17 Many of the representation letters also refer to a lack of investment in upkeep and modernisation of the public house and kitchen facilities, and suggest that such investment and a revamp of the property would further improve its viability and attractiveness to potential purchasers. Despite issues arising from the condition of the property, it appears that the previous tenants operated a successful business model and that the pub has traded successfully for a significant period of time. CAMRA highlighted two public houses which were the subject of recent planning applications for conversion to dwellings, including the Kings Head at Docklow (reference: P181136/F) and the Lamb Inn at Stoke Prior (P241366/F), both of which are in smaller or similar-sized settlements to Pencombe and have now been re-opened and trading. Currently, insufficient information has been provided to demonstrate that the facility is no longer required, viable, or is no longer fit for purpose.
- 6.18 Additionally, it is clear from the representations received that many residents of Pencombe and the surrounding area are deeply concerned and opposed to the potential loss of the Wheelwright Arms, viewing it as a valued and irreplaceable community asset which is important for social cohesion, and the mental health and wellbeing of the rural community. Reference is made to the pub being *'a thriving centre for community contact'* in December 2023, and also *'a thriving hub of Pencombe for many years'*, and *'a well-supported pub in the heart of our community'*. The need to support and seek improvements to local services and facilities in rural areas is acknowledged in Paragraph 5.1.30 of the supporting text to Policy SC1, with Paragraph 5.1.31 going on to state that the lack of local services and facilities in rural areas has been identified as a key issue in Herefordshire. Paragraph 5.1.32 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. 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.'* The need to provide the social, recreational, and cultural facilities and services the community needs, including by guarding against the loss of valued facilities and planning positively for the provision and use of community facilities, is recognised in Paragraph 96 and 98 of the NPPF.
- 6.19 With regard to c) above, it is clear that the property has been marketed since 24 January 2023, during which time the public house was open and trading. The original asking price was reduced three times over the period to 30 April 2024, and the property was also offered at auction on 11 April 2024 with a guide price lower than the original asking price; the auction was advertised online and through the Hereford Times. The premises then closed in September 2024 when the tenants left. Since this time the property has been actively marketed by Sidney Phillips, including on their website and their summary of property's available website list and mailshots. The

Marketing Report also advises that the property has been advertised on social media, including twitter, facebook, and linkedin, and on a number of websites, including: businesses for sale; right bix; right move; zoopla; and daltons weekly.

- 6.20 Several viewings were arranged at the property, but some prospective purchasers lost interest after visiting due to the extent of work required, difficulty obtaining finance, and the low roof beams. A number of offers have been made since September 2023, and were either rejected, or accepted but not completed due to difficulty raising funding or changes in the potential purchasers circumstances.
- 6.21 A representation letter was received from Chairman of the Wheelwrights Arms Community Benefit Scheme (CBS), being of particular relevance to consideration of the marketing of the property. The detailed representation outlines multiple attempts to purchase the property, indicating sustained interest and community support for its continued use as a public house. A summary of the timeline provided is set out below:
- **8 January 2023:**  
A private cash offer of **£180,000** was made directly to the vendor. This was rejected, with the vendor stating that no offers below **£300,000** would be considered.
  - **April 2023:**  
The CBS made a verbal offer of **£250,000**, which was initially accepted. However, prior to finalising grant funding, the vendor increased the asking price to **£350,000**, and the offer was withdrawn.
  - **November 2023:**  
An improved offer of **£280,000** was submitted by the CBS and accepted. A professional valuation by H J Pugh (being required by one of the grant bodies that were part-funding the purchase) placed the market value at **£170,000**, and due to the disparity, the necessary grant funding could not be secured. The offer was subsequently withdrawn. A copy of the valuation has been provided, and this acknowledges the condition of the property and need for renovation. Major areas of concern include the signs of water ingress into the kitchen, the need for kitchen and toilet refurbishment, signs of damp in the men's toilets, and the condition of the living accommodation.
  - **23 January 2024:**  
A further offer of **£240,000** was submitted via the selling agents. Despite being significantly above market valuation, this offer was declined. The property was taken to Auction in April 2024, at a guide price of £275,000 and did not sell.
- 6.22 The Marketing Report and letter from the Chairman of the CBS demonstrate that the property has attracted genuine interest from parties seeking to retain its use as a public house, including a community-led initiative supported by government grant schemes. The valuation of the property by H J Pugh of £170,000, and the references to the condition of the property, raises concerns that the asking price has been too high throughout the marketing campaign, likely putting off potential buyers. A detailed valuation has not submitted with the application to verify whether the asking price for the property is reasonable. The Marketing Report details the price that the property has been for sale at and provides brief details of marketing undertaken. The report does not detail how the asking price was arrived at, nor does it say whether this is a reasonable price to market the property at given its condition and investment required to address such. Furthermore, a number of offers significantly above the market value placed by H J Pugh were made but rejected.
- 6.23 CAMRA provided a useful comparison of the asking price for Wheelwrights Arms and other public houses which have recently sold in Herefordshire. The Red Lion at Madley was sold in 2024 for £280,000, with the property including the public house, three-bed living accommodation, and

eight en-suite letting rooms. The Red Lion also has three public dining/drinking areas, a fully equipped catering kitchen, and a functioning beer cellar, plus a brick built barn and substantial garden. The Roebuck Inn at Brimfield was sold in 2025 for £200,000, with the property including the public house, four-bed living accommodation, and three en-suite letting rooms. The Roebuck Inn also has three trading areas (including a 30-cover restaurant), a separate café, garden, and substantial car park. Noting the facilities and size of The Red Lion and Roebuck Inn, in comparison to The Wheelwrights Arms, the asking price throughout the marketing campaign does appear to be high.

- 6.23 In conclusion, it has not been demonstrated that an appropriate alternative facility is available, that the facility is no longer required, viable, or no longer fit for purpose, or that the building has been adequately marketed. The loss of the public house would therefore be contrary to Policy SC1 of the CS and Paragraph 88(d), 96, and 98 of the NPPF.
- 6.24 Additionally, the loss of the public house would reduce local employment opportunities, and fail to support or protect the vitality and viability of the public house, contrary to Policy RA6 of the CS. CAMRA also highlighted that the loss of the public house would impact the tourism and 'destination' hospitality offer by reducing the choice of country pubs available to visit, and would impact on local businesses who have previously provided services and goods to the public house.

### **Amenity**

- 6.25 Noting the existing use of the building as a public house with managers accommodation above and that no external works are proposed, including alterations to windows/doors, it is not considered that the proposed change of use to a dwelling would have a detrimental impact on neighbouring residential amenity.
- 6.26 Additionally, adequate internal and external space would be provided to ensure a high standard of amenity for future occupants.
- 6.27 The development would accord with SD1 of the CS and Paragraph 135(f) of the NPPF in respect of amenity standards.

### **Design/Heritage**

- 6.28 The building is shown on Historic OS Maps from 1885, and it is understood that the public house dates back to the 16/17<sup>th</sup> century. The building has local historic significance with communal value as a public house, forming part of local collective memory. The building is a modest two-storey structure with rendered walls, stone and red brick chimneys, and slate roof, reflective of local vernacular. The central gabled porch, with exposed timber framing, brick plinth, and slate roof, has been sensitively designed and positively contributes to the character of the building. Due to the buildings age, design, and continuous community use, the building is of historic, architectural, evidential, and communal value, and is considered to be a non-designated heritage asset.
- 6.29 Paragraph 216 of the NPPF advises that the effect on the significance of a NDHA requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. Such is reflected in Policy LD4 of the CS.
- 6.30 Internally, the room layout would be retained but the fixtures and fittings associated with the buildings use as a public house, including the bar and seating areas, would be removed. The removal of internal fixtures/fittings and the loss of the buildings use as a public house would reduce its communal and social value. However, the proposed change of use would retain the external appearance of the building, with no external alterations proposed, and domestic paraphernalia would likely be contained within the rear garden, of which there are limited public views. The proposal would preserve the building and its original appearance as a public house,

remaining in place as a permanent and largely unaltered reminder of its former use as a public house.

- 6.31 On balance, it is considered that the proposal would be acceptable in heritage terms and compliant with Paragraph 216 of the NPPF and Policy LD4 of the Local Plan.

### **Drainage/Flood Risk**

- 6.32 The application site is within Flood Zone 1 and is not shown to be at risk of surface water flooding, being an acceptable location for residential development in flood risk terms.
- 6.33 Foul water would be disposed of to the mains sewer and Welsh Water have confirmed there is capacity within the public sewerage network to receive such domestic foul water flows. No changes are proposed eternally and therefore there will be no increase in the impermeable area of the site or impact on surface water drainage.
- 6.34 For the above reasons, it is considered that the proposal accords with Policy SD3 and SD4 of the Local Plan, with respect to the provision of adequate foul and surface water drainage.

### **Ecology**

- 6.35 The application site lies within the 'Lodon' hydrological 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.
- 6.36 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.
- 6.37 The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process. The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.
- 6.38 The Council's Senior Ecology was consulted and confirmed that the proposal can be considered as 'screened out' at Stage 1 of the HRA appropriate assessment as the proposal would not result in new or additional nutrient pathways being created, with no change in existing nutrient loading calculations.
- 6.39 Additionally, based on the supplied and available information there are no effects on local ecological interests identified for the proposed development at this location as the application is for a proposed change in use of the building. The applicant should be reminded, through an informative note, of their and their contractors' legal obligation to wildlife protection at all times during construction as afforded through the Wildlife & Countryside Act.
- 6.40 The application is exempt from the statutory Biodiversity Net Gain requirements as the development does not impact a priority habitat or more than 25sqm of non-priority habitat.

- 6.41 For the above reasons, the development accords with Policy LD2 and SD4 of the CS which, respectively, require proposals to conserve, restore and enhance biodiversity, and ensure they will not undermine the achievement of water quality targets for rivers within the county, including the River Lugg SAC.

#### **Highway Safety/Parking**

- 6.42 The change of use would likely result in a reduction of vehicle movements to/from the site. Additionally, adequate parking and turning space is available to the front of the property.
- 6.43 The Area Engineer (Highways) was consulted and raised no objections to the proposed development.
- 6.44 For the above reasons, the development is considered to accord with Policy MT1 of the CS and Paragraph 115(b) of the NPPF with regard to the provision of safe and suitable access, and adequate parking and manoeuvring space.

#### **Conclusion/Planning Balance**

- 6.45 The provision of one new dwelling in a sustainable location would make a positive, albeit small, contribution to addressing the country's lack of a five-year housing supply. However, the proposal would result in the loss of a public house, which is considered to be of community value. Insufficient evidence has been provided to demonstrate that that there is an appropriate alternative facility available, that the facility is no longer required, viable, or no longer fit for purpose, and that adequate marketing of the property at a realistic price has been carried out. Furthermore, the loss of the public house would reduce local employment opportunities, would impact the tourism and 'destination' hospitality offer by reducing the choice of country pubs available to visit, and would impact on local businesses who have previously provided services and goods to the public house.
- 6.46 The adverse impacts of allowing the proposed development, being the permanent loss of the community facility and associated economic impacts, is considered to significantly and demonstrably outweigh the minor benefits identified.
- 6.47 On this basis, it is considered that planning permission should be refused for the reasons detailed below

## **RECOMMENDATION**

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

- The proposal would result in the loss of a public house which is a valued community facility. Insufficient evidence has been provided to demonstrate that that there is an appropriate alternative facility available, that the facility is no longer required, viable, or no longer fit for purpose, and that adequate marketing of the property at a realistic price has been carried out. As such, the proposal is contrary to Policy SC1 and RA6 of the Herefordshire Local Plan – Core Strategy, and Paragraph 88, 96, and 98 of the National Planning Policy Framework.**

Decision: .....

Notes: .....

.....

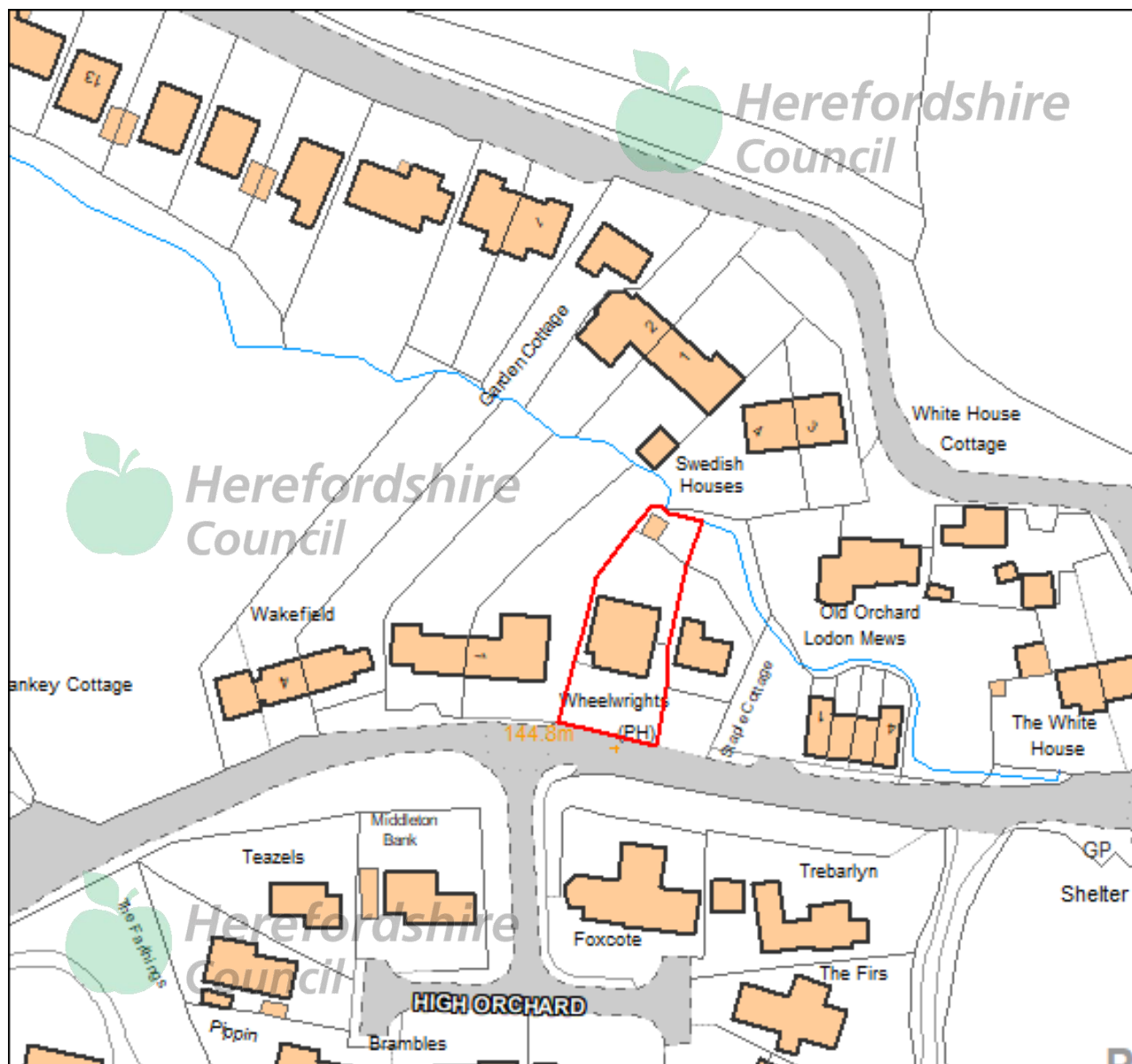
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Further information on the subject of this report is available from Chloe Allen-Hewitt on 01432 260000



## Background Papers

None identified.



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**APPLICATION NO:** 252087

**SITE ADDRESS :** THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

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