

Agenda

Planning and Regulatory Committee

Date: **Wednesday 10 December 2025**

Time: **10.00 am**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and Regulatory Committee

Membership

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

Councillor Polly Andrews
Councillor Bruce Baker
Councillor 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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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).
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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 19 November 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, Stef Simmons, John Stone, Charlotte Taylor, Richard Thomas and Mark Woodall

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

39. APOLOGIES FOR ABSENCE

There were no apologies.

40. NAMED SUBSTITUTES (IF ANY)

No substitutes.

41. DECLARATIONS OF INTEREST

Councillor Charlotte Taylor declared, in relation to agenda item no.6, application 222138 – Land at Three Elms, that she had previously made comments on social media regarding the application but that she was approaching the determination of the application at the present meeting with an open mind,

42. MINUTES

RESOLVED: That the minutes of the meeting held on 15 October be approved.

43. 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

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda. Correspondence received from Heineken's legal team, after the publication of the updates sheet, was raised confirming their position relating to water supply.

In accordance with the criteria for public speaking, Mr Milln, spoke on behalf of Herefordshire City Council, Mr Hull, local resident, spoke in objection to the application and Mrs Barrett-Mudhoo, spoke in support on behalf of the applicant.

In accordance with the council's constitution a statement was read on behalf of the local ward member. In summary, he explained that flooding was a problem on the proposed

site and incidents of flooding locally would be exacerbated by the development. Traffic in the area was a significant concern and the proposed development would add to problems with congestion on the local highways. There was also concern that additional houses in the locality and the consequent increase in traffic movements would result in an adverse impacts on highway safety, particularly for school children accessing local schools. It was queried whether there were sufficient local services to accommodate the additional houses and residents proposed by the new development. It was noted that the development would result in the loss of prime arable land. The application would result in the loss of access to the open countryside and the enjoyment of local footpaths. There would be an increase in the level of pollution caused by the additional traffic movements associated with the site. There would be a loss of natural and agricultural habitat and it was not obvious, in the application, how this would be mitigated.

In accordance with the council's constitution a statement was read on behalf of the adjoining ward member. In summary, she explained that the development would exacerbate existing congestion issues on the highways in the local area and have an adverse impact on highway safety. Traffic leaving the proposed site would have difficulty joining the flow of traffic along Roman Road and Three Elms Road. In addition, the proposed access onto Roman Road would be on a section of the road with the national speed limit of 60 mph which was hazardous; Roman Road was noted as a problem area for speeding. The proposed access for Roman Road was also to be situated in close proximity to a children's play area on the Tillington Road. It was understood that traffic calming measures could be introduced but there would be increased noise from traffic which would have an unacceptable impact on residential amenity. It was requested that the applicant discuss with the council the possibility of making the old Tillington Road from the South one way to overcome problems involving the build up of traffic on the Roman Road during peak times.

The committee debated the application and was divided as to the acceptability of the application; the following principal points were raised:

- The need for the site had been established as a contribution towards the expansion of Herefordshire city and the building of houses locally;
- It was queried whether it was safe to build on the land given the topography of the proposed site, the nature of the soil and the aquifer located beneath the application site. The stability of the north portion of the site was questioned; set on a steep slope upon unstable soil;
- There were serious concerns regarding the application and significant objections had been received. In light of concerns about the safety of the site and the level of opposition locally it was not felt that the application should be approved, even in outline form. There was no guarantee that the reserved matters application would return to committee for determination therefore the outline permission should not be approved;
- The site was a strategic development site identified within the local plan;
- There was significant evidence of negotiation between the highways department and the applicant; the work undertaken by highways during assessment of the application and the impacts on local highways had resulted in a reduced application for up to 350 houses;
- It was noted there were no objections from Natural England, the Environment Agency, the highways department or ecology consultees;
- There were concerns regarding the protection of the aquifer below the site, particularly in light of the concerns raised by Heineken;
- The proximity of the site access to the Tillington Road junction onto Roman Road was a concern and would have an adverse impact on highway safety. A lot of agricultural traffic used Roman Road which contributed towards concerns regarding highway safety;

- Active travel measures from the site were supported and should be emphasised in the permission and any later applications concerning the site;
- It was noted that standing water concerns had been raised regarding the roundabouts proposed in the highway scheme;
- It was the contention of some members of the committee that the application should be deferred to allow for additional information regarding the environmental constraints and the production of a geophysical survey. It was queried why no foundation risk assessment had been undertaken previously, prior to the submission of the application.

The development manager and highways adviser provided the following points of clarification:

- The application before the committee required a consideration of whether the principle of development and the proposed access arrangements were acceptable on the site;
- A more detailed application would follow at the reserved matters stage. The process to consider an outline application at the initial stage was a procedure permitted in law. The reserved matters application would return to the committee for determination if constitutional requirements were met;
- During assessment of the current application, technical constraints had been considered and it had been assessed whether mitigation could be utilised to overcome issues regarding flooding matters and ecological concerns.
- The access onto Roman Road had been the subject of technical reviews and junction modelling which had concluded an acceptable form of junction;
- A speed limit was proposed on Roman Road of 40 mph and the right turn filter would result in the narrowing of the carriageways on the highway;
- Conditions were imposed to identify and clarify the private water supply for the development but conditions could not be applied to prevent the use of detergents or other household products;
- The highways network within which the access to the site was located would be significantly reconfigured with elements including crossing points, narrowing of carriageways and cycling and pedestrian paths. These alterations would result in a significantly different road environment to mitigate highway safety concerns;
- Amendments to the highway scheme could be incorporated at a later date if there were further flooding and drainage issues identified;
- An in principle decision could be taken following an assessment of the known constraints with the site. With regards to the ground conditions and geotechnical issues, sufficient assessments had been undertaken to allow the application to be brought before the committee. The application was for up to 350 houses and it may be the case that some were not built as a consequence of further investigation into matters concerning the proposed development site.

Councillor Bruce Baker proposed and Councillor Dave Davis 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 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

- 1** 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.

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

- 2** 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.

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

- a) Hours of working
- b) A method for ensuring mud is not deposited onto the Public Highway
- c) Construction traffic access location and specification
- d) Parking for site operatives
- e) Construction Traffic Management Plan
- f) Travel plan for operatives.
- g) Siting of site compound / site offices (including stack heights) and storage areas

Environmental Management

- a) 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
- b) Dust management and mitigation measures
- c) Ecological risk avoidance measures based on site conditions
- d) 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
- e) 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.

- 11** 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

- 12** 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.

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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 25th 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.dwrcvmru.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.

There was an adjournment at 11:54 a.m.; The meeting reconvened at 12:08 p.m.

44. 251073 - AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda. A correction was provided to paragraph 2.2 of the report; the paragraph should have referred to eight (8) large classrooms and other ancillary spaces. The paragraph incorrectly quoted 13 additional classrooms.

In accordance with the criteria for public speaking, Mr Hancorn, local resident, spoke in objection to the application and Mr Molyneux-Wright, the applicant's agent, spoke in support.

In accordance with the council's constitution, a statement was read on behalf of the local ward member. He explained, that whilst there was an urgent need for school places in Herefordshire the proposal in the application should take account of the wider context to ensure it was appropriate for pupils and the local community. The area and school suffered from significant traffic and parking pressures locally; there was concern that the expansion would exacerbate these problems. It was important to confirm that the expansion of the high school aligned with the wider housing plans and development in the county. There was also concern at the recent Ofsted ratings in relation to the school and it was questioned whether this was the right location for significant capital investment. Whilst it was recognised that increasing school places was necessary, issues around access and transport and strategic planning must be fully addressed before a decision was made.

The committee debated the application:

- There had been a number of concerns raised regarding the process followed for the application and clarity was requested that due process had been followed.
- The application proposed a substantial building in an open space but it was acknowledged that the building was located within the context of other educational buildings therefore was not out of keeping;
- The proposed building was at a significant distance from neighbouring properties and there was screening of the building by trees on the site boundaries. Verification was requested the trees would be retained on the southern boundary to maintain screening at this location.
- It was noted that additional parking was proposed as part of the application; the active travel measures to access the school were welcomed and it was hoped would discourage car travel to the site.
- The provision of solar panels on the roof of the proposed building was welcomed.
- The loss of playing fields was regretted but new sports facilities were proposed as part of the application which would also be accessible to the local community.

The development manager provided the following clarification:

- the application was a public finance initiative (PFI) application which had a shorter determination date and a shorter consultation period. However, revised plans for the application had been subject to a 21 day consultation which was beyond the requirements in the PFI legislation.
- It was confirmed that there was no intention to remove trees from the boundaries around the building and a condition was imposed on the permission to protect trees on the site.

Councillor Stef Simmons 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 carried by a simple majority.

RESOLVED:

RECOMMENDATION : That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional conditions considered necessary by officers under the scheme of delegation, and subject to referral 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.

- Existing Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0511_P01 (March 2025)
- General Arrangement Floor Plan Level 00: BLMS0601-AHR-31-N00-D-A0510-P01 (March 2025)
- General Arrangement Floor Plan Level 01: BLMS0601-AHR-31-N01-D-A0511-P01 (March 2025)
- General Arrangement Floor Plan Level R1: BLMS0601-AHR-31-NR1-D-A0512-P01 (March 2025)
- Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0510-S2-P04 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0517-S2-P04 (September 2025)
- Proposed Site Landscape Masterplan: BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0540-S4-P04 (September 2025)
- Site Hard Landscape Details: BLMS0601-AHR-30-ZZZ-D-L-0550-S2-P03 (September 2025)
- Proposed Detailed Vehicle Access Loop: BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 (September 2025)
- Proposed Detailed Vehicle Access Rear Carpark: BLMS0601-AHR-30-ZZZ-D-L-0526-S2-P02 (September 2025)
- School Secure Line: BLMS0601-AHR-30-ZZZ-D-L-0530-S2-P02 (September 2025)
- General Arrangement Building Elevations: BLMS0601-AHR-32-NZZ-D-A-0520-S2-P04 (September 2025)
- General Arrangement Building Sections 01: BLMS0601-AHR-33-NZZ-D-A-0530-S2-P03 (September 2025)
- General Arrangement Building Sections 02: BLMS0601-AHR-33-NZZ-D-A-0531-S2-P04 (September 2025)
- General Arrangement Building Sections 03: BLMS0601-AHR-33-NZZ-D-A-0532-S2-P03 (September 2025)
- General Arrangement Building Sections 04: BLMS0601-AHR-33-NZZ-D-A-0533-S2-P04 (September 2025)
- Landscape Specification: BLMS0601-AHR-10-LZZ-T-L-0610-P01 (June 2025)
- Site Landscape Existing External Plan and Social Provision: BLMS0601-AHR-30-ZZZ-D-L-9003_P02 (June 2025)
- Site Landscape Plan Detailed: BLMS0601-AHR-30-ZZZ-D-L-9010_P02 (June 2025)
- Site Landscape Access Strategy Vehicles: BLMS0601-AHR-30-ZZZ-D-L-9020_P02 (June 2025)
- Site Landscape Tree Removal & Protection Plan: BLMS0601-AHR-30-ZZZ-D-L-9030_P02 (June 2025)

- Site Landscape Bird Nesting & Bat Roosting Box Location: BLMS0601-AHR-30-ZZZ-D-L-9035_P01 (June 2025)
- Site Landscape Levels: BLMS0601-AHR-30-ZZZ-D-L-9040_P01 (June 2025)
- Site Landscape Setting Out – Kerbs & Edges: BLMS0601-AHR-30-ZZZ-D-L-9045_P01 (June 2025)
- Site Landscape Setting Out – Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9047_P01 (June 2025)
- Site Landscape Setting Out – Tree Planting: BLMS0601-AHR-30-ZZZ-D-L-9048_P01 (June 2025)
- Site Soft Landscape Planting Plan: BLMS0601-AHR-30-ZZZ-D-L-9050_P02 (June 2025)
- Site Soft Landscape Planting Plan Details: BLMS0601-AHR-30-ZZZ-D-L-9052_P02 (June 2025)
- Site Landscape Top Soil Plan: BLMS0601-AHR-30-ZZZ-D-L-9054_P01 (June 2025)
- Site Landscape Mulching Plan: BLMS0601-AHR-30-ZZZ-D-L-9055_P01 (June 2025)
- Site Landscape Detail Planting Location Plan: BLMS0601-AHR-30-ZZZ-D-L-9056_P01 (June 2025)
- Site Landscape Detail Planting Plans 1 of 3: BLMS0601-AHR-30-ZZZ-D-L-9057_P01 (June 2025)
- Site Landscape Detail Planting Plans 2 of 3: BLMS0601-AHR-30-ZZZ-D-L-9058_P01 (June 2025)
- Site Landscape Detail Planting Plans 3 of 3: BLMS0601-AHR-30-ZZZ-D-L-9059_P01 (June 2025)
- Site Hard Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-9060_P02 (June 2025)
- Site Hard Landscaping Details Kerb Edges Plan: BLMS0601-AHR-30-ZZZ-D-L-9061_P02 (June 2025)
- Site Hard Landscaping Details Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9064_P02 (June 2025)
- Site Hard Landscaping Details Cycle Store: BLMS0601-AHR-30-ZZZ-D-L-9065_P01 (June 2025)

Reason: To define the terms of the permission and ensure the development is carried out as approved.

PRIOR TO COMMENCEMENT

3. Surface Water Drainage

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. The drainage shall be implemented in full accordance with the submitted and approved details BLMS0601-HYD-52-NXX-D-C-7010 P05 & BLMS0601-HYD-52-NXX-D-C-7011 P05 and made available prior to first use of the development.

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-S2-P02 and BLMS0601-AHR-30-ZZZ-D-L-0520-S2-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) and related landscape details approved at Condition 2, 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 P05, 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.

There was an adjournment at 12:52 p.m.; The meeting reconvened at 12:55 p.m.

45. 252087 - THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

Councillor Bruce Baker acted as the local ward member for the application below.

In accordance with the criteria for public speaking Mr Burge, spoke on behalf of Pencombe Parish Council, and Mr Haslam and Mr Lewis spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application had generated a significant number of objections and the public house was viewed as an important element of the local community. It was unfortunate that the community benefit society had agreed a price for the purchase of the pub which had been subject to an increase. The asking price for the pub was felt to be above inflation and above market value and the committee were asked to decline the application.

The committee debated the application. It was considered that the village pub was the heart of the community and such community assets were vital to the health of local communities in rural areas. It was noted that there were a number of local customers and the pub was felt to be a viable commercial enterprise.

Councillor Stef Simmon proposed and Councillor Peter Hamblin seconded a motion that the application be refused in accordance with the case officer's recommendation. The motion was put to the vote and was carried unanimously.

RESOLVED:

That planning permission be refused for the following reasons:

1. 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, unviable, 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.

46. APPENDIX - COMMITTEE UPDATES - 19 NOVEMBER 2025 (PAGES 29 - 62)

The meeting ended at 1.20 pm

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 19 November 2025

10.00 am

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

Schedule of Updates

Public Speakers

Pages

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PLANNING COMMITTEE

Date: 19 NOVEMBER 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

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 & 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

For: The Church Commissioners for England per Miss Tara Johnston, The Minster Building, 21 Mincing Lane, London, EC3R 7AG

ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report the following 7 additional representation received from members of the public

1. Comment

I am writing to object to planning application 222138 for development at Land at Three Elms, Hereford. Although I do not live immediately adjacent to the site, I am a Herefordshire resident and this major scheme will have significant cumulative impacts on the environmental quality, transport network, and public services used by residents across the county.

Below are my reasons for objection, based on material planning considerations.

1. Transport, Traffic and Highway Safety

This development proposes up to 350 new homes, in addition to a care home and associated facilities. This scale of expansion will significantly increase traffic movements on the already-congested route corridors into Hereford, including the A4110, Three Elms Road, Grandstand Road and Yazor Road.

The Hereford Western Bypass / Relief Road, originally expected to support this strategic growth area, is currently paused. Without this critical infrastructure, the traffic assumptions made in the Transport Assessment are out of date and cannot be relied upon.

The result will be:

- Increased congestion
- Greater travel times into/out of the city
- Higher emissions and poorer air quality
- Greater pressure on rural roads used as “rat-runs”, affecting villages including Credenhill, Canon Pyon, Norton Canon and other rural routes

This is contrary to the principles of NPPF para. 110–113, which require safe and suitable access and avoidance of severe residual impacts.

2. Prematurity & Incomplete Infrastructure Strategy

The site is part of the Western Urban Expansion (Policy HD5) which requires careful, comprehensive delivery of:

- Highway infrastructure
- Utilities
- Public transport improvements
- Open space
- A primary school
- A neighbourhood centre

However, this application is piecemeal and does not demonstrate a realistic, enforceable strategy to deliver the necessary infrastructure upfront. Without a confirmed bypass or wider transport improvements, approving this scheme now is premature and could result in isolated, poorly-served development.

3. Pressure on Schools, Healthcare and Local Services

- Hereford already experiences difficulty with:
- GP appointment availability
- Long waiting times for NHS services
- School capacity pressures in certain catchments

An additional 350+ homes, plus a care home, will add substantially to this burden. No firm, deliverable mitigation is secured at this stage. This is contrary to NPPF para. 20 & 95, which require adequate social infrastructure to be planned and provided.

4. Environmental Impact, Loss of Greenfield Land & Biodiversity Concerns

The site comprises valuable agricultural landscape and greenfield land. Developing this area will result in:

- Loss of natural habitat
- Reduction in biodiversity
- Increased pollution
- Urbanisation of a rural-edge landscape that currently provides ecological value

The Environmental Impact Assessment does not convincingly demonstrate that ecological loss will be compensated or that biodiversity net gain will be delivered in a meaningful way.

This conflicts with NPPF para. 174 & 180, requiring protection and enhancement of the natural environment.

5. Drainage, Surface Water & Flood Risk

Large-scale greenfield development substantially increases runoff. The application relies heavily on unproven or incomplete mitigation measures, and it is unclear whether the drainage strategy could cope with prolonged heavy rainfall events. This represents a potential risk to downstream communities and contradicts NPPF para. 159–169 on managing flood risk.

6. Design, Density & Landscape Impact

The local plan expects a “sensitive and integrated” urban expansion under Policy HD5. However:

- The scheme risks creating a hard urban edge without appropriate landscape buffering.

- The density and layout information submitted at outline stage is vague and fails to demonstrate a high quality, well-integrated design.
- The landscape harm is underestimated.
- This large estate will permanently alter the character of the area.

7. Phasing and Deliverability

There is concern that:

- Only housing will be built initially
- Infrastructure may be delayed, reduced or never delivered
- Future phases may be altered via viability claims reducing affordable housing or community benefits. This risk is well-documented in other major UK developments and should be considered here.

Conclusion

For the reasons outlined above — including traffic impacts, lack of infrastructure, environmental harm, flooding concerns, and non-compliance with Local Plan Policy HD5 — I respectfully request that planning application 222138 is refused.

Should the council be minded to approve, I request that strong, enforceable conditions and

Section 106

obligations be applied to guarantee:

- Infrastructure delivery in advance of occupation
- Full affordable housing quota (35%)
- Significant green infrastructure
- Road and junction improvements
- Biodiversity net gain
- Sustainable drainage systems
- Independent monitoring of traffic and environmental impacts

Thank you for considering my objection.

2: Comment

A planning application for this area has been put forward several times now.

My concerns are the amount of extra traffic that will be generated onto Three Elms Road and therefore onto Whitecross roundabout. There are 2 schools in close proximity and at pick up times there is already considerable congestion in and out of Bonnington Drive and along Three Elms Road as parents park to pick up children. Whitecross roundabout is already like a race track with 5 exits close together and no traffic lights. Finally there is the impact on the already overstretched local services such as school places and appointments at doctors.

There are already several housing developments in the area, with houses still being built or unsold. I do not agree with this development

3: Comment

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19th Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
2. How will the 'Natural Corridor for wild life' already in place be protected during and following the 'Build'.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local 'catchment area'?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as 'Affordable' and will that include 'Council' Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the 'area' (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be 'free' like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially 'The Area' in question.

4: Comment

I am here today to highlight the risks of granting approval to phase one of a major urban expansion before the technical data from both geophysical surveying and detailed hydraulic modelling of the commercial aquifer are completed.

I speak with some authority as a retired chartered geological engineer with decades of experience. I have professional experience on risk analysis of major development projects involving excavations and the important details included in consultant's disclaimers, who deftly absolve themselves of all responsibility, in the event of severe flooding or pollution, by disclaimers.

I wish to highlight two key elements that are missing from the data sets that render the flood risk analysis and risk of pollution to the aquifer as both premature and incomplete.

The flood risk analysis prepared by consultants Tetra Tech uses a new hydraulic model, based only on the Yazor Brook, excluding the groundwater flows from the new developments to the north of this development site and those north of Hereford city. Their report states they assume the catchment is un-metred despite decades of data from the gauge at Three Elms that records and displays daily water levels, and the abstraction well data which would allow more accurate flow calculations.

The flood risk analysis presented illustrates that the development will not increase flooding in the city, but it lacks new data of the increased flows from the North of the city along the Ayles brook that gave rise to increased flooding following similar housing developments. Is this incomplete flood risk analysis acceptable to the committee without an expert and independent review?

The commercial aquifer that underlies the development site is defined by the Environment Agency as the statutory body appointed to protect all the nation's water supplies. Why would this committee permit development over the commercial aquifer before the source protection zones are fully defined by the statutory body?

I ask this committee if it is correct to abrogate their responsibility for all future scrutiny by themselves and the elected officials of this county by handing all future key decisions on design and placement of infrastructure on site, without first seeking a fully independent risk analysis of

increased city flooding and potential loss of commercial aquifers through pollution during construction and habitation?

5: Comment:

I object to this outline planning application and urge the Committee to REFUSE or DEFER determination. The proposal contains five material deficiencies that breach statutory duties, national policy (NPPF 2024), and the Herefordshire Core Strategy 2011–2031, preventing lawful determination.

1. **BREACH OF HABITATS REGULATIONS 2017 (REGULATION 63) Requirement:**
The LPA may only grant permission if it has ascertained—beyond reasonable scientific doubt—that the proposal will not adversely affect the integrity of the River Wye SAC (Reg. 63; Waddenzee C-127/02). Evidence: · Environment Agency Source Protection Zone (SPZ) modelling is “ongoing” and incomplete (Officer’s Report para 7.4). · March 2025 EA surface water mapping reveals new potential pollution pathways to Yazor Brook not assessed in the June 2024 Appropriate Assessment. · Natural England’s “no objection” is expressly conditional upon mitigation being “appropriately secured” (para 7.3), yet essential mitigation cannot be specified until SPZ modelling is complete. · Condition 15 defers excavation strategy post-permission, dependent on future SPZ extents. Consequence: The Appropriate Assessment conclusion of “no adverse effect” is premature and not based on complete scientific knowledge. Approval would breach Regulation 63 and the principle in *Champion [2015] UKSC 52* that mitigation must be certain before permission is granted.
2. **FLOOD RISK EXCEPTION TEST NOT MET (NPPF PARAS 167, 172, 180) Requirement:**
Para 167: development must be “safe for its lifetime”. · Para 172: development “should not increase flood risk elsewhere.” · Para 180: Exception Test must be reapplied when “more recent information” on flood risk becomes available. Evidence: · March 2025 EA mapping identifies new medium/high-risk surface water flow paths across the developable area. · Exception Test applied by officers (paras 9.125–135) relies solely on June 2024 data—no re-assessment undertaken. · Drainage strategy design is incomplete and dependent on outstanding SPZ data (Conditions 13, 15). · Lead Local Flood Authority confirms drainage will require “detailed technical review at Reserved Matters” (paras 7.36–37). Consequence: The Committee lacks evidence to discharge para 167 (“safe for lifetime”) and para 172 (“no increase in flood risk”). Under *Milgate [2015] EWHC 2375*, FRAs must resolve fundamental risks at outline stage, not defer solutions to conditions. The Committee also lacks the “full knowledge” required under the EIA Regulations 2017.
3. **UNRESOLVED TRANSPORT SAFETY RISKS (NPPF PARAS 110, 116) Requirement:**
Para 110: development must create safe places and prioritise walking/cycling. · Para 116: refusal is justified where the proposal has an unacceptable impact on highway safety. Evidence – Road Safety Audit Stage 1 (June 2025): Three problems classified as “Not Resolved”: · 2.3 – Bus kerb overruns at mini-roundabout · 2.4 – Signal confusion at Toucan crossing · 2.6 – Abrupt cycle lane termination forcing cyclists into traffic Mitigation is: · Not secured by conditions; · Not included in S106 or S278; · Not resolved between Designer and Auditor. Local Highway Authority removed objection only following a £1.95m off-site contribution, implicitly acknowledging on-site access problems. Consequence: Independent professional evidence identifies material, unresolved safety risks. Reserved Matters cannot lawfully remedy safety defects at outline stage. Approval would be irrational (*Keep Wythenshawe Special [2023]*) and contrary to NPPF 110, 116 and Policy MT1.
4. **AFFORDABLE HOUSING SHORTFALL WITHOUT VIABILITY JUSTIFICATION (POLICIES HD1, HD5) Requirement:** · HD5 requires 35% affordable housing: 123 units. · HD1 allows reductions only with independently verified viability evidence. Evidence: · S106 provides 27% on-site (95 units) — 8% below policy. · 1.6-acre care home site transferred for £1, with no affordability covenant, no delivery timeframe, and no reversion clause. · No viability appraisal submitted. Legal concerns: · Land transfer >£800,000 value for £1 risks being ultra vires under s.123 LGA 1972. · Arrangement fails NPPF para 58 and CIL Reg

122(2): not “fairly and reasonably related in scale and kind”. · If the care home is not delivered as affordable accommodation, effective provision remains 27%, in direct conflict with HD5. Consequence: Development plan conflict not justified by material considerations. The arrangement is legally vulnerable (Persimmon [2012]).

5. UNMITIGATED HERITAGE HARM (S.72 LBCA 1990; NPPF PARAS 212–215) Statutory duty: Under s.72, decision-makers must give “special attention” and “considerable importance and weight” (Barnwell Manor). Evidence: · Building Conservation Officer identifies specific areas of harm to the Huntington Conservation Area (para 7.19). · Officer’s Report accepts “moderate” less-than-substantial harm (paras 9.68, 9.72, 9.208). · The only mitigation—Condition 9—defers all landscaping to Reserved Matters with no enforceable parameters (buffer widths, planting specifications, density reductions, or building set-backs). Critical issue: There is no evidence that alternatives to reduce or avoid harm were explored, breaching the Barnwell requirement to consider avoidance before applying NPPF para 215. Public benefits are overstated: · Housing delivery on allocated land = policy compliance, not a “benefit” (Forge Field). · 27% affordable housing = deficit, not benefit. · Park & Choose = HD5 policy requirement. Consequence: S.72 duty not discharged; NPPF para 215 balance incorrectly struck; conflict with LD4 and HD5. These five deficiencies individually and cumulatively prevent lawful determination. Approving the application would: · Breach statutory duties (Habitats Regulations; s.72 LBCA) · Contradict mandatory national policy (NPPF paras 110, 116, 167, 172, 180, 212–215) · Conflict with Development Plan policies (SD3, SD4, MT1, HD1, HD5, LD4) · Expose the Council to a high risk of successful Judicial Review RECOMMENDATION REFUSE planning permission. Alternatively, DEFER pending: 1. Completion of EA SPZ modelling and updated Appropriate Assessment 2. Revised FRA and Exception Test addressing March 2025 mapping 3. Resolution and secured mitigation of all RSA safety issues 4. Independently verified viability appraisal or revised S106 with enforceable affordability 5. Heritage mitigation strategy with enforceable design parameters

6 Comment:

I strongly object to the above application. The Officer’s Report (OR) recommending approval contains fundamental errors in its application of national policy and law. The proposal is premature, fails to protect heritage assets, and is supported by an unsound S106 agreement. For the reasons below, the Committee must refuse this application.

GROUND 1: PREMATURITY, FLOOD RISK & INCOMPLETE ENVIRONMENTAL INFORMATION (NPPF 170– 182; EIA & Habitats Regulations 2017) The application is legally premature. The OR concedes that the Environment Agency’s (EA) critical Source Protection Zone (SPZ) modelling is outstanding (OR 7.4) and defers the excavation strategy via Condition 15. This renders the Committee unable to lawfully conclude that: o The Exception Test (NPPF 178) is passed, as it cannot be certain the development is “safe for its lifetime without increasing flood risk elsewhere”. o The Habitats Regulations Assessment is complete, as the “no adverse effect” conclusion on the River Wye SAC cannot be reached with scientific certainty without the SPZ data. o The Environmental Statement is adequate, as the Committee is being asked to grant permission without full knowledge of a significant environmental effect, contrary to the EIA Regulations. Approval under these circumstances would be a clear legal error. The application must be refused on this ground.

GROUND 2: FAILURE TO PROTECT HERITAGE ASSETS (NPPF 202–221; s.72 Planning (Listed Buildings and Conservation Areas) Act 1990) The OR identifies “less than substantial harm” to the Huntington Conservation Area but fails to secure its mitigation. o The Council’s Building Conservation Officer (BCO) identified specific harms (OR 7.19): Loss of open aspect west of Newcourt Farm. Urban encroachment north of Huntington Lane.

The proposed Condition 9 (Landscaping) is a generic condition, entirely unsuited to address these specific heritage impacts. The harm therefore remains unmitigated. Consequently: o The Committee would be in breach of its statutory duty under s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay “special attention” to preserving or enhancing the Conservation Area. o The NPPF 215 balancing exercise is flawed, as the full weight of the unmitigated harm was not considered against the public benefits. The application must be refused on this ground.

GROUND 3: POOR PLANNING OUTCOME & UNSOUND S106 AGREEMENT (NPPF 58) The S106 agreement is unsound and results in a poor planning outcome: o It secures a certain loss (reduction of on-site affordable housing from 35% to 27%).

o In exchange for a speculative gain (land transfer for an unsecured care home). This fails the tests of soundness in NPPF 58, as it is not “fairly and reasonably related in scale and kind to the development”, especially given Herefordshire’s acute housing land supply shortfall (3.11 years – OR 9.6).

The application must be refused on this ground. **CONCLUSION & RECOMMENDATION** For the compelling reasons set out above, this application is: o Unsound (premature, heritage harm, poor

7 Comment

Dear Planning and Regulatory Committee, Re Application 222130.

I have addressed this to your ‘Chair’, as I will be unable to attend the meeting on 19th Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What ‘Flood Alleviation Planning has or will be put in place. The area concerned ‘Floods’ on a regular basis.
2. How will the ‘Natural Corridor for wild life’ already in place be protected during and following the ‘Build’.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local ‘catchment area’?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as ‘Affordable’ and will that include ‘Council’ Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the ‘area’ (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be ‘free’ like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially ‘The Area’ in question.

Photograph inserted below at request from Public Speaker (Mr Hull)



Three Elms Road

OFFICER COMMENTS

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

As a point of clarification within the committee report and within the Heads of Terms set out at Para 9.191 it states that the developer would provide 27% on site affordable housing and that the figure was reduced from 35% to take into account the 1.6 acres of Care Home land which equates to 24 dwellings. This position has been agreed with the housing officer. Paragraph 9.160 reports a different position which is incorrect.

S106). o Unlawful in parts (breach of Habitats Regs, s.72 LBCA 1990). o Contrary to the public interest. The Committee is urged to REFUSE planning permission.

Education Team:

An email from the Council's education team sent on the 14 November to the Planning Obligations Manager has been shared with the Planning case officer:

I understand that plans for 350 houses at Three Elms is going to Planning Committee next week and is recommended for approval.

It is understood that in the draft s106 agreement contributions would be for the following schools: 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. It has however been noted that Stretton Sugwas C of E Academy is not included in the wording despite a small section of the site being in the Stretton Sugwas catchment.

OFFICER COMMENTS

As such, officers have liaised with the Planning Obligations Manager and they have confirmed there is scope to add Stretton Sugwas Primary School into the benefactor schools for the section 106 contributions.

NO CHANGE TO RECOMMENDATION

251073 - PROPOSED TWO-STOREY EDUCATIONAL BUILDING WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

For: Herefordshire Council per Mr Gareth Hooper, 11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ

ADDITIONAL CONSULTATION RESPONSES/ REPRESENTATIONS

HC Environmental Health (Noise) – no further comments.

HC Watse & Recycling – no objection.

Since the publication of the agenda and Committee Report, one further written representation has been received and is attached at **Appendix 1** of this schedule of updates.

OFFICER COMMENTS

- As a point of clarification, and notwithstanding the comments provided by the Built Environment Team (Building Conservation), it is noted that the western extremity of the application site falls within the Aylestone Hill Conservation Area. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed development is sited well within the school grounds, away from the conservation area boundary, and does not introduce built form or alterations which would be considered to materially impact upon, the character or appearance of the conservation area. As such, it is concluded that the proposal would preserve the character and appearance of the Aylestone Hill Conservation Area and accords with the statutory duty under s.72(1) of the Act.
- Some minor changes to the wording of conditions has been made, and the full list of approved plans has been inserted to Condition 2. The revised schedule of conditions is shown at **Appendix 2**.
- The applicant has submitted additional information in an attempt to satisfy the requirements of Condition 4 (Contamination), specifically through a Ground Gas Protection System Verification and Strategy Plan. Due to the late submission of this material, the Local Planning Authority has not had sufficient time to review it with input from the Council's Environmental Health Team. Accordingly, it is recommended that Condition 4 remains unchanged at this stage. However, should Members resolve to approve the application in line with the officer recommendation, the condition could be amended following a review of the submitted information by Environmental Health during the 21-day Secretary of State referral period.
- The further written representation following the publication of the agenda and officer report. It is not considered to raise any new material planning considerations that are not already identified and assessed, as set out within the report.

Updated Recommendation: That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional

conditions considered necessary by officers under the scheme of delegation, and subject to referral 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.

Appendix 1 – Updated schedule of conditions – application 251073 – Aylestone High School

RECOMMENDATION : That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional conditions considered necessary by officers under the scheme of delegation, and subject to referral 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.

- Existing Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0511_P01 (March 2025)
- General Arrangement Floor Plan Level 00: BLMS0601-AHR-31-N00-D-A0510-P01 (March 2025)
- General Arrangement Floor Plan Level 01: BLMS0601-AHR-31-N01-D-A0511-P01 (March 2025)
- General Arrangement Floor Plan Level R1: BLMS0601-AHR-31-NR1-D-A0512-P01 (March 2025)
- Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0510-S2-P04 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0517-S2-P04 (September 2025)
- Proposed Site Landscape Masterplan: BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0540-S4-P04 (September 2025)
- Site Hard Landscape Details: BLMS0601-AHR-30-ZZZ-D-L-0550-S2-P03 (September 2025)
- Proposed Detailed Vehicle Access Loop: BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 (September 2025)
- Proposed Detailed Vehicle Access Rear Carpark: BLMS0601-AHR-30-ZZZ-D-L-0526-S2-P02 (September 2025)
- School Secure Line: BLMS0601-AHR-30-ZZZ-D-L-0530-S2-P02 (September 2025)
- General Arrangement Building Elevations: BLMS0601-AHR-32-NZZ-D-A-0520-S2-P04 (September 2025)
- General Arrangement Building Sections 01: BLMS0601-AHR-33-NZZ-D-A-0530-S2-P03 (September 2025)
- General Arrangement Building Sections 02: BLMS0601-AHR-33-NZZ-D-A-0531-S2-P04 (September 2025)
- General Arrangement Building Sections 03: BLMS0601-AHR-33-NZZ-D-A-0532-S2-P03 (September 2025)
- General Arrangement Building Sections 04: BLMS0601-AHR-33-NZZ-D-A-0533-S2-P04 (September 2025)
- Landscape Specification: BLMS0601-AHR-10-LZZ-T-L-0610-P01 (June 2025)
- Site Landscape Existing External Plan and Social Provision: BLMS0601-AHR-30-ZZZ-D-L-9003_P02 (June 2025)
- Site Landscape Plan Detailed: BLMS0601-AHR-30-ZZZ-D-L-9010_P02 (June 2025)

- Site Landscape Access Strategy Vehicles: BLMS0601-AHR-30-ZZZ-D-L-9020_P02 (June 2025)
- Site Landscape Tree Removal & Protection Plan: BLMS0601-AHR-30-ZZZ-D-L-9030_P02 (June 2025)
- Site Landscape Bird Nesting & Bat Roosting Box Location: BLMS0601-AHR-30-ZZZ-D-L-9035_P01 (June 2025)
- Site Landscape Levels: BLMS0601-AHR-30-ZZZ-D-L-9040_P01 (June 2025)
- Site Landscape Setting Out – Kerbs & Edges: BLMS0601-AHR-30-ZZZ-D-L-9045_P01 (June 2025)
- Site Landscape Setting Out – Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9047_P01 (June 2025)
- Site Landscape Setting Out – Tree Planting: BLMS0601-AHR-30-ZZZ-D-L-9048_P01 (June 2025)
- Site Soft Landscape Planting Plan: BLMS0601-AHR-30-ZZZ-D-L-9050_P02 (June 2025)
- Site Soft Landscape Planting Plan Details: BLMS0601-AHR-30-ZZZ-D-L-9052_P02 (June 2025)
- Site Landscape Top Soil Plan: BLMS0601-AHR-30-ZZZ-D-L-9054_P01 (June 2025)
- Site Landscape Mulching Plan: BLMS0601-AHR-30-ZZZ-D-L-9055_P01 (June 2025)
- Site Landscape Detail Planting Location Plan: BLMS0601-AHR-30-ZZZ-D-L-9056_P01 (June 2025)
- Site Landscape Detail Planting Plans 1 of 3: BLMS0601-AHR-30-ZZZ-D-L-9057_P01 (June 2025)
- Site Landscape Detail Planting Plans 2 of 3: BLMS0601-AHR-30-ZZZ-D-L-9058_P01 (June 2025)
- Site Landscape Detail Planting Plans 3 of 3: BLMS0601-AHR-30-ZZZ-D-L-9059_P01 (June 2025)
- Site Hard Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-9060_P02 (June 2025)
- Site Hard Landscaping Details Kerb Edges Plan: BLMS0601-AHR-30-ZZZ-D-L-9061_P02 (June 2025)
- Site Hard Landscaping Details Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9064_P02 (June 2025)
- Site Hard Landscaping Details Cycle Store: BLMS0601-AHR-30-ZZZ-D-L-9065_P01 (June 2025)

Reason: To define the terms of the permission and ensure the development is carried out as approved.

PRIOR TO COMMENCEMENT

3. Surface Water Drainage

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. The drainage shall be implemented in full accordance with the submitted and approved details BLMS0601-HYD-52-NXX-D-C-7010 P05 & BLMS0601-HYD-52-NXX-D-C-7011 P05 and made available prior to first use of the development.

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-**S2**-P02 and BLMS0601-AHR-30-ZZZ-D-L-0520-**S2**-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) and related landscape details approved at Condition 2, 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 P05, 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.

Formal Written Representation – Planning and Regulatory Committee (19 November 2025)

Application: P251073/PSI – *Aylestone School, Broadlands Lane, Hereford*

Submitted by: Mr Jeffrey Hancorn, Athelstan Hall, 76 Aylestone Hill, Hereford HR1 1HX

(with supporting evidence from Mr Pdraig Kelly)

1. Overview

We submit this representation in advance of the 19 November 2025 Planning and Regulatory Committee meeting concerning the above application.

Our intention is not to obstruct genuine educational improvement, but to highlight the serious governance, procedural, and evidential flaws that render this proposal unsound.

Herefordshire Council is both **the applicant and the decision-maker**. It is effectively judging its own work under the **Public Service Infrastructure (PSI)** fast-track route — a process intended for genuinely urgent, essential public facilities such as hospitals or emergency services, not for discretionary or delayed local capital projects.

This £13 million scheme has been in gestation for nearly three years since its first Cabinet approval “in principle” in 2023. Officers described it then as the start of a potential *new Aylestone School* that could later extend outward from this very proposed building — by design, further encroaching upon playing-field land. That long-term agenda was never transparently disclosed to the public.

2. Lack of Educational Need

The application’s justification rests on “rising demand” for secondary places in north Hereford.

However, DfE 2025 projections and Council data show **no sustained growth** in pupil numbers:

- Herefordshire’s secondary rolls peak in 2025–26, then decline by around 200–300 pupils by 2030.
- Aylestone’s capacity is 450 places; current enrolment is **419**, meaning it is already **under-capacity**, not over-subscribed.
- DfE figures confirm city-wide declines in secondary numbers and falling eBacc attainment under current leadership.

Expansion therefore risks locking in surplus capacity while rewarding failure.

Without demonstrable long-term need, the claimed public benefit collapses — failing NPPF para 100, Core Strategy SC1, and the sustainability test under SS1.

3. Site-Selection Flaws

Aylestone has been treated as the **default site** since Cabinet’s February 2023 decision, with no evidence of serious alternative assessment.

Public consultations in 2023 and 2025 both framed the expansion as pre-approved, limiting meaningful input on *why this site* was chosen.

The Council should instead consider distributing funding among smaller high-performing schools or alternative partnerships, rather than concentrating £13 million into one repeatedly underperforming site.

This pre-commitment also compounds harm to open space: Aylestone’s constrained playing fields are already below the recommended area per pupil, and building here breaches the NPPF para 104 and Core Strategy OS3 tests requiring surplus or replacement provision.

4. Sport England Objection, Highways & Heritage

Sport England’s statutory objection remains unresolved.

They confirm that only the **sports-hall element** could potentially comply under Exception 5; the classroom blocks would remove protected playing-field land, displace an existing two-court MUGA, and create a net loss of sports provision.

That engages the 2021 Consultation Direction — meaning that if the Council is minded to approve despite the objection, it must refer the application to the Secretary of State.

The proposed layout also takes no account of adjacent heritage assets: activity and new planting are pushed toward the open boundary with the Grade II-listed Athelstan Hall, wrongly described as “unaffected.”

The last-minute “internal loop” parking arrangement **entrenches car use**, contradicting the Council’s own School Streets and Safer Routes to School policies.

The Highways position now relies on speculative future measures — School Streets pilots, TROs and the internal loop — none of which are permanent, funded or enforceable. Conditional support on that basis is not sound evidence under NPPF paragraph 116.

The public were further misled to believe those separate schemes were part of this application, when in fact they are not.

Meanwhile the school itself complains that it already has **17 acres to manage** — an admission of poor site management even before any new, potentially commercial, structure is added.

Since objections were lodged, intensified activity has appeared directly beside our property — including rugby training and goalposts newly sited against our boundary.

This intensified use has emerged only as a **new phenomenon during the course of this application**, coinciding with residents’ formal objections.

5. Amenity, Transparency, and Community Use

The project’s **commercial intent** only became clear late in the process through answers to MP enquiries — **nor was its intended commercial purpose ever disclosed openly**.

Such extended hire and community-use hours constitute a **material change of use** of playing-field land, requiring separate Secretary of State approval, as with the withdrawn 2018 3G proposal.

This concealment persisted throughout limited consultations, producing low attendance and misunderstanding, compounded by an application title that omits any reference to the sports-hall element.

Goalposts and equipment are now routinely left strewn across the site’s **north-western corner**, directly adjoining Athelstan Hall — behaviour symptomatic of poor management under the same leadership.

Publicity for unrelated road schemes was also used to imply wider outreach, misleading participants about the scope of the current proposal.

6. Governance, Procedural and Consultation Failures

The PSI fast-track route is reserved for **urgent educational or health infrastructure**, yet no proven educational urgency exists.

Herefordshire Council is both the **applicant and principal funder**, not the Department for Education — a clear conflict of interest.

The **Monitoring Officer's October 2025 letter**, restricting resident contact to a director directly involved in the PSI scheme, typifies the defensive governance culture surrounding this project.

Significant consultee material — including Balfour Beatty's 5 June and 26 September representations requiring written evidence that drainage can lawfully pass via third-party land to reach the adopted network — appeared on the portal only within the past week, **after closure of consultation**.

No approvals from **Welsh Water or affected landowners** are provided.

Meanwhile, the **Hereford City Council** representation remains unreadable despite requests for correction.

These late and incomplete disclosures render the consultation process defective and inconsistent with DMPO 2015 obligations.

7. Conclusion

This application fails on process, policy, and public accountability.

It lacks proven educational need, destroys protected playing-field land, and proceeds under a PSI designation that is neither appropriate nor lawful.

The combination of unresolved statutory objections, weak consultation, governance conflicts, and poor site management demands that this Committee **refuse or defer** the application pending:

- A verified educational-need assessment;
- A Sport England-compliant design;
- Transparent governance independent of conflicted officers.

If the Committee is nevertheless minded to approve, it must first **refer the decision to the Secretary of State** under the 2021 Consultation Direction.

Respectfully submitted,

Mr Jeffrey Hancorn

(with supporting evidence from Mr Pdraig Kelly)

Athelstan Hall – 76 Aylestone Hill, Hereford HR1 1HX

Date: 12 November 2025

252087 - PROPOSED CHANGE OF USE FROM A PUBLIC HOUSE (SUI GENERIS) TO A DWELLINGHOUSE (CLASS C3) AT THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

For: Mr & Mrs Griffiths per Mr Simon Rowles, P O Box 937, Worcester, WR4 4GS

ADDITIONAL REPRESENTATION:

Further to the publication of the officer report 1 additional representation has been received from a member of the public, as follows:

'I oppose the application. The owners have made little effort to run the pub successfully. They have refused a reasonable offer to purchase, and deny the local community have an interest in it.'

The following update contains exempt information and has been redacted in accordance with paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information) - Schedule 12A Part 1 Local Government Act 1972.

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

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

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

ADDITIONAL INFORMATION FROM PLANNING AGENT/APPLICANT:

Further to the publication of the officer report, additional information has been submitted by the Planning Agent/Applicant in response to the representations received and to provide further detail in respect of the viability of the public house and the marketing exercise. These are summarised below. A full copy of the additional information and the originally submitted marketing report has been provided to members. However, following discussions with the Planning Agent, as the marketing report and accounts contain commercially and personally sensitive information, these have not been published on the Council's website.

Correspondence with Planning Agent via email

A summary of the additional information submitted was provided by the Planning Agent in an email dated 13 November 2025, as follows:

Hi Chloe,

I have spoken to our clients (cc) about the committee report and some of the issues that arise from it.

Schedule of Committee Updates

The Officer recommendation is obviously very disappointing, with the applicants having been through an extended period of marketing, after accepting that they had little choice but to sell the pub. They are firmly of the belief that they have done everything within their powers to secure a sale as a going concern.

I've attached some documents which contain relevant information on the viability of the pub and correcting some of the matters as portrayed by the CBS and CAMRA. I am concerned that the Planning Committee has not been provided with a balanced representation of the facts on which to make a decision. This is not an exhaustive list, but to pick out a few points that are noteworthy:-

- A letter is attached showing that an offer of £245,000 from the CBS was accepted in principle, subject to evidence of funding. The objector-portrayed timeline of the offers made by CBS amounts to a misrepresentation of the facts.
- The financial information attached covers the years 2017, 2018, 2019, 2021 and 2022 (with a gap for the period over which Covid substantially disrupted trade). Please note that the accounts for 2021 (seen in the 2022 Profit and Loss sheet) take into account the furlough scheme and a significant reduction in rent, i.e. the 2021 figure for profit is therefore skewed and unrepresentative.
- Within that same document, you will see a list of the rental charges that were made over a 15-year period. You can see a significant decline in values. This simply does not portray an owner that was seeking to make it unviable or unworkable for tenants.
- We wish to confirm that The Crown & Sceptre in Bromyard was marketed and sold as a going concern through the same Agents (Sidney Phillips). The expectation, in placing The Wheelwrights on the market with the same, experienced Agent, was that a sale would be found.
- We are informed that the applicants did not consent to access to HJ Pugh for a valuation to be undertaken. This does raise the question as to on what basis this valuation was carried out and the weight that can be placed on it.
- The two letters attached from previous tenants (Roly and Chris Brown) reveal the support that they received from the applicants during their time running the pub.
- The final tenant, Mr Rob James, was only on a month-to-month agreement due to the pub having already been placed on the market. You will appreciate that this was the only practical arrangement at that time, with the decision having been made to sell.
- Each pub's circumstances must be assessed on their own particular merits and the suggestion that because other pubs have been revived elsewhere in the county does not directly translate to the circumstances at The Wheelwrights in Pencombe.
- It is relevant to note the absence of future government funding for community groups to purchase the pub. This further diminishes any chance of a successful sale. Please see the link below.

<https://www.countryside-alliance.org/news-content-type/dismay-as-government-axes-grant-that-saves-rural-pubs>

I trust that these matters can be brought to attention of Members as part of the Update Sheet. Alternatively, if the committee item was to be deferred it might give you more time to properly consider the full facts. We remain of the opinion that the pub is unviable and that it has been more than adequately marketed over an extended period of time. The significant reductions in the asking price bear testimony to the fact that the owners were genuinely looking to achieve a sale.

I would respectfully advise that some of the information attached relates to financial data of previous tenants and that other documents may also need to be redacted before display on the Council's website.

Kind regards,

Simon Rowles MRTPI

Trading and Profit and Loss Accounts

Trading and profit and loss accounts have been provided for the years ending March 2017, 2018, 2019, 2021 and 2022.

Due to the commercial sensitivity of the accounts, these have not been published on the Council's website. However, members have been provided with an unredacted copy.

Appendix A – Rent History

A letter has been received from the applicants confirming the rent per annum, excluding VAT, since 2007 to May 2025. The letter also refers to discounts on rent through covid and to accommodate the tenants' circumstances, as follows.

'Purchased: January 2007

Rent per annum (excluding VAT):

*2007: 24,000
2008: 24,000
2009: 24,000
2010: 24,000
2011: 20,000
2012: 20,000
2013: 20,000
01/05/14: 15,600
01/06/14: 12,000
01/09/16: 12,600
01/03/18: 13,200
01/05/23: 12,000*

April, May & June 2020 – No rent was charged due to covid No rent charged

July & August 2020 – 50% rent was charged

March 2021 – 50% rent was charged due to covid – even though they claimed their furlough payments in full throughout the covid pandemic

Each new tenant had one month's free rent as a goodwill gesture.

June 2023 – We gave [REDACTED] 50% discount [REDACTED]

The previous tenants admitted ... [REDACTED]. In December 2020 they were unable to pay the rent so we let them pay it late (3 weeks)

There was and never has been any daytime trade at the pub, even though a previous tenant wrote to several organisations (walking groups, age concern groups and the like) offering lunch group discounts, teas, coffees etc to drum up trade for the daytime but to no avail, it is very much an evening/weekend trade.

Appendix B - Letter from Sidney Phillips

The letter from Sidney Phillips is addressed to the applicant to notify them of an offer which had been received from the Community Benefit Society and the position following receipt of such. The main body of the letter states the following:

'Further to our recent telephone conversation, we confirm we have received an offer for the above property from Mr Russell Stevens on behalf of the Community Benefit Society in the sum of £245,000 subject to contract.

As instructed we have advised this offer is acceptable in principle, subject to them providing us with unconditional confirmation that the necessary funds are available to enable them to purchase at this figure.

Until this is received the business will remain fully on the market and we will keep you advised of all further developments.'

Appendix C – Letters from Previous Tenants

Copies of two letters from a previous tenant of The Wheelwrights have been provided, dated 28 November 2016 and 06 September 2022, as follows:

28 November 2016

'Sorry for the late reply to your letter dated 17th November 2016. Thank you for your terms, which are agreeable. Special thanks for the rent arrangement, that is very helpful. It has always been an intention to replace the landing carpet, but there always seems to be something more urgent to pay. We still will replace it, however, we promise those stains were there exactly the same when we took the pub over. Leave it all with us, and we will do our best to get everything tended to as soon as possible.'

06 September 2022

Following our conversation, here is Roly's and my 6 months' notice in writing — to terminate our tenancy on 31st March 2023. It is with deep regret,.. [REDACTED]. We would like to thank you both for what you have done for us. We have had a wonderful 8½ years.'

Appendix D – Planning Objections Response

A letter has been received from the applicants in response to the representations received for the application, as follows.

'RENT INCREASE

As shown in rent history report apart from a minimal increase (£50 per month) in 2016 and 2018, which was agreed with the ingoing tenants in their tenancy agreement, there has been a significant rent decrease, so how that can be putting financial pressure on the tenant is beyond us.

CROWN & SCEPTRE, BROMYARD

We did not get change of use on the Crown & Sceptre, it was sold in March 2016 as a going concern to a Mr. Ludovictus Weekers who ran it as a public house until he sold it himself. It was the new owners who brought it off Mr. Weekers who actually obtained change of use and nothing to do with us whatsoever. As regards that we have another pub in the area that we are applying for change of use on, the only other pub we own is The White Lion in Leominster and that is a thriving business and we have no intention of changing that, in fact the tenants have just renewed their tenancy for another five years.

JAMES LEWIS OFFER OF 170K

This was not an official offer, but in fact a glib comment made to our son in the pub one night when he said "tell your old man I'll give him 170k for The Wheelwrights in cash".

ROLLING TENANCY

This was agreed by both ourselves and Mr. James at the time of his taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime and we were happy as it meant we didn't have to close it down and gave it more chance of selling as a going concern. With regards to the back garden, Mr. James did not want to use it for the business as he had 4 dogs (Spaniels) which were kept in a fenced off area taking up most of the garden space. We did however, remove a fallen tree and erect a new fence in the garden to make it secure for the dogs.

We wanted to refurbish the property, upstairs and down before Mr. James took over but he wanted to open the pub as soon as he could because Easter was coming up (the following weekend) and he wanted it open for then, so we spent a week frantically cleaning, painting and generally tidying the downstairs (with a lot of help from Mr. James and his friends) to get the work done. We offered to do work upstairs after the opening but Mr. James said he would do it himself as he was just grateful that we had given him the opportunity to take on the pub.

LACK OF INVESTMENT

As to lack of investment in the kitchen, in April 2023 we installed a brand new stainless steel canopy and lined all the walls in the kitchen and prep room with Proplas wall panelling. We had a conversation with the brewery rep as to whether there would be any help towards the cost of upgrading the cellar and installing a new cellar cooling system but due to the low barrellage figures were told it was highly unlikely. We also upgraded the fire alarm system.

Total expenditure:

- Kitchen canopy: £425.00
- Kitchen walls: £814.66 (materials only)
- Carpets: £1,150.00
- New Fire alarm: £4,320.00
- New Heating thermostat: £240.00
- Garden maintenance: £360.00
- New garden fence: £883.20

Total: £8,192.86

The Wheelwrights Arms is not the only pub that we own, we also own The White Lion in Leominster as mentioned previously, and whilst there is only so much income generated from the two pubs, we invest where we think the money is best spent. We have invested more at The White Lion, fitting a new kitchen, new boiler, roof repairs to toilet block and more recently the drainage, as it is now susceptible to flooding since housing has been built next door and also had to pay for the damage caused when the whole of the downstairs flooded and the insurance company would not cover the cost of repair. We are also in the process of upgrading the fire alarm system too.

VALUATION

We find it hard to believe that a proper valuation has been carried out as we have not given access to anyone to enter the premises, so any valuation must be based on an external inspection only.

PURCHASE WITH INTENTION OF CHANGE OF USE

We find this comment ridiculous, so we were supposed to have purchased the property in 2007 with the intention that in 18 years time we would apply for change of use. We've heard of forward planning but that is absurd.

SECURITY FENCING

This was erected on 06/09/2024 as a stipulation from our insurance company to make the property as secure as we could. However, we do ... [REDACTED].

FOOTBALL AND CRICKET

There has not been a Cricket or Football team in the village for at least five years if not longer and with regard to the Crib team, that is only one night a week and based on a home and away basis, they are actually only in the pub once a fortnight, you don't see them in there any other night and unfortunately you need more than that support to survive.

VILLAGE HALL

Since the pub closed, there have been pub nights held in the village hall once a month, also lunch clubs and gardening clubs, film nights to mention just a few, so to say that the pub is the only place for people to meet is a bit of an exaggeration.

OFFICER COMMENTS

The additional information has been reviewed in detail. However, it is still considered that insufficient information has been provided to demonstrate compliance with Policy SC1 of the Core Strategy.

In respect of alternative facilities, the information advises that, since the public house closed, the village hall has held pub nights once a month, and also lunch clubs, gardening clubs,

and film nights. Whilst such is acknowledged, it is not considered that the events and frequency of such would offer an alternative facility equivalent to The Wheelwrights Public House.

With regard to the viability of the business, the submitted information confirms that the public house was run by the same tenants for approximately 8.5 years up to 31 March 2023. Accounts have been provided showing the years ending 2017, 2018, 2019, 2021, and 2022. All year's show a profit, although the profit margins vary with 2017, 2019, and 2022 being particularly low, whilst 2018 and 2021 were much higher, though Officers note the increased profit over 2021 was due to Government grants associated with Covid-19 and that this is not representative of a typical year's trading. The rent history provided by the applicants shows a significant reduction in rent from 2007, when the applicants purchased the public house, to May 2014. The rents for years 2016 and 2023 were then similar, with a slight increase for 2018. The information also advises that rent discounts were provided through 2020-2021, due to Covid 19. Although the accounts show low profit margins across a number of years, casting a degree of doubt on the viability of the business during this period, little information has been provided to set out how the public house was being run throughout this time, for example whether there were limited days and hours or opening or whether alternative business models were considered to improve the profit margin.

The final tenant took over around April 2023 and ran the public house until it closed in September 2024, on a month-to-month agreement due to the public house already being placed on the market. The month-to-month contract was agreed with the landlords and the tenant; the additional information advises that *"This was agreed by both ourselves and Mr. James at the time of taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime..."* During the time Mr James ran the public house, Officers note that the garden was used privately only and not open to the public. Whilst the information provided by the landlords regarding the rent discount and tenants circumstances throughout this time are acknowledged, no accounts have been provided to cover this period, nor any information on how the public house was being operated.

Despite the evidence provided in respect of the viability of the public house, Policy SC1 is clear that the proposal must also demonstrate that the property has been vacant and actively marketed for community use without success. The letter from Sidney Phillips dated 17 July 2024 confirms that an offer from the Community Benefit Society of £245,000 was accepted but not completed and Officers are aware that two lower offers from other potential purchasers were accepted in April 2024 and December 2025 but were also not completed. Whilst the acceptance of lower offers is noted, this does not address concerns that the asking price, and the guide price for the auction, has been too high throughout the marketing campaign, likely putting off potential buyers. Due to the differences between the asking prices by Sidney Phillips and the valuation by H J Pugh (noting this may have been carried out without internal access), along with consideration of the recent sold prices of other public houses in Herefordshire provided by CAMRA, Officers continue to have doubts about the selling price advertised and therefore the adequacy of the marketing exercise as a whole. No detailed valuation, acknowledging the condition of the property and potential investment required, or assessment and comparison to sold prices of other public houses in the surrounding area, has been provided by the applicants.

The applicants have provided information regarding the investments made into the property in 2023, including installation of a new stainless-steel canopy and Proplas wall panelling in the kitchen and prep room, and new carpets, fire alarm, heating thermostat, and garden fence. Whilst these are acknowledged, Officers note that the sales brochure advises that the catering kitchen is only partially fitted to commercial standard, and no response has been provided to representations received which suggest there may be issues of mould and a structural issue with the roof, which would likely need to be addressed by any potential purchaser.

Officers are also aware that the government funding for community groups to purchase the public house has been removed. However, this does not mean that marketing carried out at an appropriate asking price would not generate interest from other potential purchasers, noting the lower offers which were received but rejected, as set out in the Marketing Report.

CHANGE TO RECOMMENDATION

No change to recommendation.

PLANNING and REGULATORY COMMITTEE

19 November 2025

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	The Church Commissioners per Miss Tara Johnston	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 at 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	222138	33
CITY COUNCIL OBJECTOR SUPPORTER		MR MILLN (Hereford City Council) MR HULL (Local Resident) MS BARRETT-MUDHOO (Applicant)		
7	Herefordshire Council per Mr Gareth Hooper	Proposed two-storey educational building with associated landscaping and infrastructure works at AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY	251073	177
OBJECTOR SUPPORTER		MR HANCORN (local resident) MR MOLYNEUX-WRIGHT (Applicant's agent)		
8	Mr & Mrs Griffiths per Mr Simon Rowles	Proposed change of use from a public house (Sui Generis) to a dwellinghouse (Class C3) at THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN	252087	227
PARISH COUNCIL OBJECTOR		MR BURGE (Pencombe Group Parish Council) MR LEWIS/MR HASLAM (local resident/CAMRA representative)		

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 DECEMBER 2025
TITLE OF REPORT:	230432 - PROPOSED ERECTION OF 7 TOWNHOUSES WITH ASSOCIATED DEVELOPMENT AT LAND TO THE REAR OF PROSPECT PLACE, ST MARTINS AVENUE, HEREFORD. For: Mr Tobin per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230432
Reason Application submitted to Committee – Redirection	

Date Received: 7 February 2023

Ward: Hinton and
Hunderton

Grid Ref: 350890, 239431

Expiry Date: 12 December 2025

Local Member: Cllr Kevin Tillett

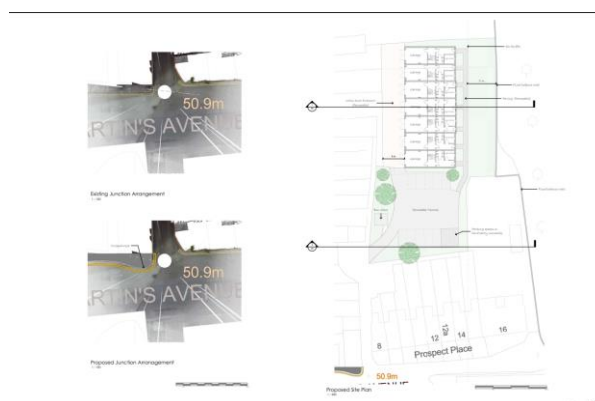
1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped land parcel which is located to the east of 17 to 41 St Martins Street, to the north of 8 to 15 St Martins Avenue (known as Prospect Place), to the west of Bishops Meadow Recreational Grounds and south of residential curtilage associated with 15 St Martins Street.
- 1.2 Site boundaries comprise a mixture of high close-boarded fencing, scrub, semi-mature trees, hedgerow and brick wall. The site is relatively flat with land uses surrounding predominately residential with the occasional commercial use, recreational use or car park. The northern part of the site is largely overgrown by a combination of scrub, vegetation and semi-mature tree with the southern part of the site surfaced with tarmac and presently used as a leasable parking area for surrounding properties on St Martins Avenue and St Martins Street. A small brick outbuilding lies to the north-west of this parking area. Existing vehicular and pedestrian access heads south-west from the parking area, runs in between 7 and 8 St Martins Avenue before joining up with the highway network at St Martins Avenue (U82346). Location Plan and Existing Site Plan are inserted below.



Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 1.3 In terms of surrounding development, properties fronting St Martins Street are generally three storeys, finished in brick under slate roofs with varying pitches. Many of these date back to the late 18th/early 19th Century with the majority of these being Grade II listed, either individually or under group listing(s). Properties along Prospect Place are mainly two storey and are finished in brick under pitched slate roofs however none of these are listed.
- 1.4 The single-storey brick outbuilding is considered by officers to be curtilage listed. Whilst it appears to have been extensively altered, this building appears on the 1945 map and modern satellite imagery. It is considered to have been in situ on 1 July 1948 and on the date of listing of the principal house to which the land related to. Its' understood to have been the intention to leave this particular parcel of land undeveloped when redevelopment of the wider area occurred in the late 17th Century. Historical mapping also suggests gardens to properties on St Martins Terrace, potentially Norfolk House, and later maps indicate a pathway to this outbuilding from Norfolk House giving rise to an historical association, appreciating that there remain existing accesses to properties at the rear of St Martins Street via a passageway adjacent to the western site boundary.
- 1.5 By way of other constraints, the site is wholly within Flood Zone 3 although there are flood defence walls to the east of site associated with the Hereford Flood Alleviation Scheme (FAS), noting that the River Wye is approximately 100 metres to the north of the site.
- 1.6 The site is also wholly within the Hereford Central Conservation Area and the Hereford Area of Archaeological Importance. There are three scheduled monuments in reasonable proximity to the site, and further east, within Bishops Meadow, is a row of mature lime trees which benefit from a Tree Preservation Order.
- 1.7 This application seeks full planning permission for the erection of 7 no. two-bedroom townhouses together with associated development. The development would comprise a three-storey brick terrace with a central breakfront feature with a gablet under a slate dual-pitched main roof and an uninterrupted series of full gable ended pitched roofs. Garages, cycle storage and WCs would be provided on the ground floor with living accommodation provided above on the first and second floors. A forecourt is proposed to establish an open area to the rear (west) of the building with bin storage provided adjacent to the existing tarmac parking area which is proposed to be retained for parking. The existing outbuilding would be demolished. Other works include altering the junction onto St Martins Avenue with a new drop kerb and extension of the footway.
- 1.8 The location plan and existing site plan, proposed site plan, proposed elevations and proposed floor plans are provided above and below for convenience, together with a handful of illustrations and cross-sections which seek to provide an indicative view of the proposed development in situ, including when viewed from Bishops Meadow. These can all be reviewed online at [Planning Application Details - Herefordshire Council](#)



Proposed Site Plan and Access Detail



1.9 In addition to the deposited plans, this application is to be considered in line with the following list of supporting documents:

- Application Form'
- Covering Letter;
- Design and Access Statement (AMENDED further to revised plans being submitted);
- Heritage Impact Assessment (AMENDED further to revised plans being submitted);
- Flood Risk Assessment;
- Flood Risk – Sequential and Exception Test (AMENDED);
- Preliminary Ecological Appraisal, with subsequent update letter;
- Percolation Testing;
- Response to Building Control comments; and
- Emails/Letters from the agent including additional supporting information in response to comments raised by statutory and technical consultees and officer requests for further information.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted 15 October 2015 (CS)

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- HD1 – Hereford
- HD2 – Hereford City Centre
- H3 – Ensuring an appropriate range and mix of housing
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality
- ID1 – Infrastructure delivery

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Paragraph 34 of the revised 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 CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS 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. The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 Herefordshire Minerals and Waste Local Plan – adopted on 8 March 2024 (MWLP)

SP1 – Resource Management

The MWLP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

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

2.3 National Planning Policy Framework – revised on 7 February 2025 (NPPF)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 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
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

The NPPF sets out the government's planning policies for England and how these are expected to be applied in plan-making and decision-making. The NPPF can be viewed using the following link: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 **National Planning Practice Guidance (PPG)**

The associated Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

2.5 **Supplementary Planning Documents**

Planning Obligations Supplementary Planning Document (SPD) April 2008 – <https://www.herefordshire.gov.uk/planning-and-building-control/local-plan/supplementary-planning-documents/planning-obligations-spd-april-2008/>

3. **Planning History**

- 3.1 P200034/F – Erection of 6 townhouses and associated site works – Application invalidated during process and removed from Planning Register (Council website).
- 3.2 DCCE2007/2594/F – Erection of six No. two bed maisonettes and four No. two bed flats with associated parking for fourteen cars – Refused
- 3.3 DCCE2006/2037/F – Construction of new flood defence walls and embankments together with strengthening of existing walls between Greyfriars Bridge & Wyelands Close. Provision of access over new flood defence at Queen Elizabeth Avenue, St Martins Avenue & Hinton Road – Approved with conditions
- 3.4 CE1999/3072/F – Use of site for residents parking – Approved with conditions

4. **Statutory Consultations**

- 4.1 During consideration of this application, amended plans and additional or updated supporting documents have been submitted. For avoidance of any doubt, consultation responses are provided below and have been annotated under each consultation response where they are responding to either the now superseded plans or amended plans.

Statutory Consultations

- 4.2 **Environment Agency – No objection; recommend Planning Obligation (financial contribution towards flood risk infrastructure)**

- 4.2.1 1st consultation 20 April 2023 (Superseded Plans)

“PROPOSED ERECTION OF 6 TOWNHOUSES AND 2 ROOFTOP APARTMENTS ON LAND TO THE REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD

Thank you for referring the above application which was received on the 14 March 2023.

When considering matters within the remit of the Environment Agency we would have no objection to the proposed development and would recommend the following comments and conditions for your consideration at this time.

There are flood related issues, as highlighted below, for the consideration of your Council and your Emergency Planning colleagues including the Sequential Test and the management of the site in a flood event (breach or overtopping of the adjacent flood defences).

It should be noted that we previously provided comment on the redevelopment of this site on the 10 February 2020 (our ref: SV/2020/110556/01-L01, copy attached) and our current position remains consistent with that previously expressed.

Flood Risk: The site lies within Flood Zone 3 (High Probability) of the River Wye on our Flood Map for Planning. This is land which has a 1 in 100 or greater annual probability of river flooding as defined in Table 1 of the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG). Whilst the site is shown to be within Flood Zone 3 it is acknowledged that the site is afforded a degree of protection from the Hereford Flood Alleviation Scheme (FAS). Whilst benefitting from a level of protection it should be noted that the defences will be overtopped when considering a 1 in 100 year plus climate change (Design Flood Level) event as discussed further below.

Sequential Test: The National Planning Policy Framework (NPPF) details the requirement for a risk-based ST in determining planning applications. See paragraphs 161–162 of the NPPF and paragraphs 023, 023 and 027 within the Flood Risk and Coastal Change Section of the PPG. Paragraph 162 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that ‘Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding’. Paragraph 163 states that ‘If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test (ET) may have to be applied. The need for the ET will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF’. Paragraphs 031, 032 and 35-38 of the NPPG and also paragraphs 163-166 of the NPPF outline the requirements of the ET. See also Table 2 in paragraph 079 of the NPPG which, for example, confirms that the ET is required for ‘more vulnerable’ development in Flood Zone 3. We would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider.

Flood Risk Assessment (FRA): The NPPF (paragraph 167) requires that, where appropriate, a planning application should be accompanied by a FRA in order to demonstrate that the proposed development would be safe over its lifetime (including climate change impacts), will not act to increase flood risk elsewhere, and ideally offers flood risk betterment. The same FRA, undertaken by Rab Consultants dated 10 December 2019 (Ref: RAB2220L version 2.0), has been submitted as that which accompanied the previous application (your Planning ref: 200034). The proposals are broadly similar with parking/storage on the ground floor below town houses with a suitable buffer strip provided to the Environment Agency’s flood defence asset to enable any future maintenance works.

It is noted that the current application is for 8 units as opposed to the previously proposed 6. Our River Wye model has not been updated since the previous application was made so the modelled levels used in the FRA would still apply though a new version of the Wye model is expected in

2024. We would not expect the Wye model to be rerun for non-major development such as this. The design flood (1% flood level plus climate change allowance) should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. In this instance, the FRA has chosen to derive a design flood level for the site utilising our nominal allowances. By doing so the minimum design flood level ascertained is 52.48mAOD for the 1% plus 37% flood event. It should be noted, and is addressed in the submitted FRA, that in such an event the adjacent defences would be overtopped and this has informed the development proposals. Specifically section 4.1.1 of the FRA has confirmed that the habitable part of the development will be set at 53.24mAOD. This is 760mm above the design flood level of 52.48mAOD. We are therefore satisfied with the proposed floor level of the habitable section of the townhouses.

Were the proposals amended to utilise the ground floor for habitable accommodation we would not be in a position to support the application.

Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no habitable accommodation on the ground floor of any of the dwellings shown as garage and cycle store on the Floor Plan Drawing (Project 16-003 dated 14th January 2022) and in accordance with the FRA dated 10 December 2019 (Ref: RAB2220L) unless otherwise agreed in writing by the LPA in consultation with the Environment Agency.

Reason: To protect future occupiers from flood risk for the lifetime of the development.

It should be noted that our Asset Performance team has confirmed that there have been recent issues with the adjacent flood defence wall protecting the site and some leakage. We have injected resin into the voids to attempt to stop this occurring though further work may be required. In January this year the site was seen to suffer from standing water and this event was smaller than the February 2020 peak on the River Wye. Clearly this will not affect the habitable part of the development but may impact upon the ground floor so we recommend that flood resilient techniques (raised electrical sockets etc) in the ground floor utility area in case of breach or overtopping of the flood defences. The use of resilient techniques has been confirmed in Section 4.1.3 of the FRA. As previously stated in situations, and locations, where flood compensation is viable we would always support such a scheme with a view to providing betterment. However in this instance, when considering the protection afforded by the defences, we are satisfied with the proposed development and that traditional compensation is not required.

Safe Access: Paragraph 047 of the NPPG advises on how a development might be made safe from flood risk. As detailed above the design flood event, utilising our nominal allowances, is 52.48mAOD which would mean flooding across the site were the defences to breach or overtop. For 'more vulnerable' development, where overnight accommodation is proposed, the FRA should demonstrate that the development has safe, pedestrian access above the 1% river flood level plus climate change. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, the FRA may demonstrate that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change).

Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320, page 118, at: https://assets.publishing.service.gov.uk/media/602d040fd3bf7f721a23a993/Flood_risk_assessment_guidance_for_new_development_-_phase_2_technical_report_Full_Documentation_and_Tools.pdf

Given our role and responsibilities we would not make comment on the safety of the access, or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the NPPG. Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Evacuation Management Plan (FEMP): The NPPG (paragraph 043) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service. The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraphs 044 and 045. We would advise that the FEMP should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants. There is still a requirement for a FEMP as the defences could breach/overtop or the demountable section not be deployed prior to the onset of flooding. If this occurred the occupants would need to move vehicles and evacuate the building though the upper floors would remain a safe refuge should this occur. Appendix D of the FRA outlines the plan. We offer a full flood warning service at this location (River Wye South of Hereford) on which the plan can be based. We recommend you consult with your Emergency Planners and the Emergency Services team to determine whether they consider the development safe and whether a FEMP secures safe and sustainable development.

Informative (note) to above: The Applicant /future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

Developer Contributions: As stated in our previous response should you be minded to grant approval for the proposed development we would seek planning obligations for flood risk infrastructure, the operation of which is required to make the development acceptable in planning terms. The development, in this instance, is only possible, as submitted, as it benefits from the presence of the flood defences. Without these defences this land would not be suitable for redevelopment as proposed. In addition, the Flood Evacuation and Management Plan required would be based on a service we offer. As previously stated we would request a developer contribution towards the ongoing maintenance costs of the flood defence scheme and towards the flood warning service. Based on the scale of the development we would request a figure of £40,000 (£5,000 per property) as a contribution towards the maintenance of the defences and the continued operation of our flood warning system. We would like to comment that in the absence of contributions the cost of flood warning would potentially place an increased burden on the public purse. It may also place additional burden/ risk to life on the emergency services and/or any rescuers. There should be no built development within 8 metres of the defences so that we have access to maintain the defences over the lifetime of the development and undertake any future improvement works.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. 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."

4.2.2 2nd consultation 25 July 2025 (Amended Plans)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

"Thank you for your consultation on the above application received by us on 24 July 2025. We have reviewed this site and note we commented on this application previously whereby the proposal was for 6 townhouses and 2 rooftop apartments, recognising this has now been changed to 7 townhouses. As the proposal largely remains the same in terms of flood risk, footprint and location, our position also remains the same and we would therefore reiterate our previous comments and conditions from our initial response, please find this attached. However, within these comments we previously requested £40,000 in developer contributions (£5,000 per dwelling), but as the number of dwellings has reduced from 8 to 7, we would amend this part of our response and now request £35,000 (7 x £5,000) in developer contributions. I hope that provides clarity on our position, should you require any further information, or wish to discuss these matters further, please do not hesitate to contact me."

3rd consultation 26 November 2025 (Amended Plans)

"Thank you for your re consultation on the above application received by us on 05 November 2025.

We previously commented upon this application in April 2023 (our ref: SV/2023/111636/01-L01) whereby we noted the proposal was for 6 townhouses and 2 rooftop apartments, raising fluvial flood risk comments and a condition. We now note the proposed development is for 7 townhouse units, with additional documentation being submitted, and have the following comments to make.

Flood Risk: We support the reduction in dwellings from 8 to 7 on site, being satisfied that the footprint of the development will be slightly reduced whilst having less people at potential risk of fluvial flooding in the area.

As previously stated, the site lies within Flood Zone 3 (High Probability) of the River Wye on our Flood Map for Planning. This is land which has a 1 in 100 or greater annual probability of river flooding as defined in Table 1 of the Flood Risk and Coastal Change section of the Planning Practice Guidance (PPG). Whilst the site is shown to be within Flood Zone 3 it is acknowledged that the site is afforded a degree of protection from the Hereford Flood Alleviation Scheme (FAS). Whilst benefitting from a level of protection it should be noted that the defences will be overtopped when considering a 1 in 100 year plus climate change (Design Flood Level) event as discussed further below.

We note that a Sequential and Exception Test Addendum Report has been submitted by Bernard Eacock Ltd (dated 27 October 2025) and would raise no concerns with this, noting that the original approved Flood Risk Assessment by RAB (dated 10 December 2019, ref: 2220L) is still primarily being referred to.

The modelled Wye data used in the FRA is still the most up to date information available. We are currently reviewing our River Wye model but the results will not be available until the Summer of 2026. As previously stated the submitted FRA has chosen to derive a design flood level for the site utilising our nominal allowances. By doing so the minimum design flood level ascertained is 52.48mAOD for the 1% plus 37% flood event. It should be noted, and is addressed in the submitted FRA, that in such an event the adjacent defences would be overtopped and this has informed the development proposals. Specifically, section 4.1.1 of the FRA has confirmed that the habitable part of the development will be set at 53.24mAOD. This is 760mm above the design flood level of 52.48mAOD. We are therefore satisfied with the proposed floor level of the habitable section of the townhouses. Were the proposals amended to utilise the ground floor for habitable accommodation we would not be in a position to support the application.

We would still recommend the same condition as in our previous response; please find this updated below in line with the newly submitted plans:

Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no habitable accommodation on the ground floor of any of the dwellings shown as garage and cycle store on the Amended Floor Plan Drawing (Project 16-003-03, dated 17 July 2025) and in accordance with the FRA dated 10 December 2019 (Ref: RAB2220L) unless otherwise agreed in writing by the LPA in consultation with the Environment Agency.

Reason: To protect future occupiers from flood risk for the lifetime of the development.

Alongside this, there must be no built development within 8 metres of the defences so that we have access to maintain the defences over the lifetime of the development and undertake any future improvement works. We would recommend this as a planning condition:

Condition: There shall be no new buildings, structures (including gates, walls and fences) or raising of ground levels within 8 metres of any flood defence asset inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access for future maintenance and improvement works.

Again, as detailed in our previous response, we recommend the development of a sound and robust Flood Evacuation Management Plan (FEMP) in consultation with your Emergency Planners.

Developer Contributions: We can see that a response letter has been provided by Bernard Eacock Ltd (dated 27 October 2025) questioning the legitimacy of our previous developer contributions request, which would now be £35,000 rather than £40,000 due to the reduction in scale of the development to 7 dwellings (£5,000 per dwelling).

We have previously received contributions for new development behind defences where the development is relying on the defence and/or flood warning service in order to ensure the development and its occupants will remain safe during flood events.

As we have confirmed in our previous response, the development would benefit directly from the Hereford defences and also require our flood warning service as a basis for the Flood Evacuation Management Plan (FEMP) in case of breach or overtopping. It is unlikely we would be in a position to support this new 'More Vulnerable' development at this location without the presence of the Hereford flood alleviation scheme.

Usually, the money is secured by way of a Section 106 agreement. We have previously secured such contributions in relation to the health hub in Leominster (Council ref: P214002/F) whereby we received £12,000 for a new gauge and will be seeking further contributions as the redevelopment of that wider site come forward. Alongside this, contributions towards flood warning have also been secured as part of the Greyfriars development (P133306/F). For both of these the Section 106 details can be viewed via the planning portal for their respective applications.

This is supported by the Planning Obligations Supplementary Planning Document (SPD, dated April 2008), which highlights the legitimacy of requesting developer contributions, stating that "Any new development may require mitigation to make it acceptable. Such mitigation could be the subject of an obligation involving a contribution. The Council have deemed it necessary for contributions to be sought from all additional new residential units (unless exceptions apply)".

We fully understand the concerns that any financial contribution received should be used in Hereford only and be directly related to the proposed development at Prospect Place, St Martins Avenue. We highlighted in our previous response that we had been injecting resin into voids to prevent leakage of the flood wall at this location. Inspection and maintenance of flood defences is a continuous exercise. Our Asset Performance (AP) team has confirmed that we carry out

regular maintenance checks on the flood defence all year round with an estimated annual cost of £3,000.

Alongside this, we must maintain the defence throughout the year and we are currently planning mortar repair on the wall and have carried out similar work through the summer of 2025. The estimated cost of this work is £5000. Photos can be provided upon request for the number of places along the wall where this work is due to be carried out.

Additionally the proposed development is located within a flood cell that is not just protected by the adjacent flood wall but also relies upon the deployment of barriers prior to the onset of flood events. Without these deployable barriers being erected during each flood event the development site would likely flood. An example of when these have been erected is during the recent deployment of the barriers in Hereford due to the heavy rainfall associated with Storm Claudia (November 2025). This deployment process is expensive and can often occur numerous times a year.

In the initial 2019 application received on this site (planning Ref: 200034, for 6 townhouses) we sought a contribution towards the Invest to Save scheme which proposed glass panels (to replace the temporary demountable sections) along the existing defences. This did not end up taking place but illustrates we have been seeking developer contributions for any proposed development on this site for a number of years.

Our Asset Performance team also confirmed that in the past we have carried out pumping of flood water from behind the defence where the development is proposed during times of flood. They have therefore raised the possibility of any contributions going towards a potential community pump to assist flood water management in a breach or overtopping scenario”.

4.3 Historic England – Qualified Comments

4.3.1 1st consultation 24 March 2023 (Superseded Plans)

“Thank you for your letter of 13 March 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The application site lies in the Hereford Central Area Conservation Area and to the rear of the principal historic route out of the city to the south crossing the River Wye via the Wye Bridge which is a scheduled monument. St Martins Street developed early as a medieval suburb and is shown lined with buildings on Speed’s map of 1610. It was subject to considerable redevelopment in the eighteenth and nineteenth centuries with many of the Grade II listed buildings which now form terraced development on the east side of the road dating from this period.

To the east, the conservation area is characterised by open flood meadows affording views across the river to the highly graded listed buildings of the cathedral complex and the scheduled remains of the castle. This area has long been used as a public recreation space and is linked to the city by a Grade II listed footbridge (built to commemorate the Diamond Jubilee of Queen Victoria) and laid out with walks. One of these links St Martins Street with the footbridge and follows the line of the Row Ditch, a linear scheduled monument from the top of which are good views of the conservation area. The site therefore occupies a very sensitive historic location and development should be assessed in terms of heritage policy set out in section 16 of the NPPF.

As we have highlighted previously, Historic England is aware that an application for residential development in this location (upon which we were not consulted) was refused in 2007. Contrary to policy set out in paragraph 194 of the NPPF, the current application is not supported by any information describing how the site contributes to the significance of the conservation area or, as part of their setting, to the significance of designated heritage assets in the area.

This is disappointing as we are aware that archaeological reports submitted in 2007 identified a high degree of preservation of medieval domestic and industrial activity on the site. In addition to this archaeological value we consider that in its current form the site contributes to the historic interest of the conservation area in terms of plot layout, to its special visual character in terms of the relationship between the patterns of development and heritage assets either side of the river, and is a positive element in of the setting of the Grade II buildings on St Martins Street.

We would therefore expect the application to be supported by the type of analysis recommended in our publication ‘The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3’.

In the absence of any such documentation covering these aspects of the proposal we do not consider that you have sufficient information upon which to base a decision. In addition to this, we are concerned that, while you did not raise heritage-based objections to the 2007 application, the current proposal is larger and has a greater impact on the conservation area and setting of designated heritage assets.

Whilst we note the design changes made from the previous scheme of 2020, the current scheme remains four rather than three storeys high, and its scale and proposed construction materials will make it more prominent in views across the public space to the east and from the listed buildings on St Martins Street. We note that buildings of a contemporary design have been successfully introduced to the conservation area on the north bank of the city where development densities are historically greater. We are concerned that in the context of the south bank of the Wye, this density is likely to harm the character of the area and to detract from its designated heritage assets.

These concerns might be addressed by designs informed by a deeper understanding of how the site contributes to the significance of the designated heritage assets affected.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 197, 199, 200, 202, and 206 of the NPPF.

In determining this application you should bear in mind the statutory duty of: section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us”.

4.3.2 2nd consultation 4 August 2025 (Amended Plans)

“Thank you for your letter of 24 July 2025 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The further information is amended plans and elevations. The further information does not include supporting information describing the significance of heritage assets affected, including any

contribution made by their setting, at a level sufficient to understand the potential impact of the proposal on their significance. *Significance* In our previous advice letter (24 March 2023) we noted that the site occupies a very sensitive heritage location. The proposal is located in the Hereford Central Conservation Area and the Hereford Area of Archaeological Importance (AAI). It lies within a medieval suburb that developed to the south of Wye Bridge (a scheduled monument and Grade I listed building) and within the medieval city defences (part designated as a scheduled monument, Row Ditch, NHLE 1001780) to the south of the river. The medieval suburb, developed either side of the main south approach to Wye Bridge within the city defences which crossed St Martin's Street near Drybridge House. Medieval properties will have fronted the road with their individual property strips extending behind. Redeveloped in the late 18th and early 19th centuries, the western half of the suburb still retains its earlier medieval form with properties fronting the road, narrow property strips or open space behind up to the boundary with the park. Archaeological evaluation on the site in 2007, in relation to the refused planning application 2007/2594/F, identified a wealth of medieval archaeological remains and deposits dating from the late 11th century to the end of the 14th century. The surviving form of the medieval suburb and its archaeological remains contributes to the significance of the nearby designated heritage assets of Wye Bridge and Row Ditch, the Area of Archaeological Importance and the Conservation Area.

Impact

The proposal will result in loss to these archaeological remains and to the legibility of the form of the medieval suburb. This represents a medium level of less than substantial harm to the designated heritage assets identified in our advice above. Policy Policies LD1 and LD4 of the Hereford Local Plan Core Strategy 2011-2031 and paragraphs 207, 208, 212 and 213 of the NPPF apply to this proposal. Position Historic England has concerns regarding the application due to its impact on the contribution made by the legible form of the medieval suburb and its archaeological remains, to the significance of the named designated heritage assets in this advice letter.

The application does not meet the requirements of NPPF 207, as it does not include supporting information describing the significance of heritage assets affected, including any contribution made by their setting, at a level sufficient to understand the potential impact of the proposal on their significance. The application causes harm to the legibility of the form of the medieval suburb and its archaeological remains within the AAI, and the contribution these make to designated heritage assets. This is contrary to local plan policies LD1, which sets out that proposals should conserve and enhance important features of landscape and townscape and LD2 where proposals should protect and conserve heritage assets and their settings. Your authority should take into account NPPF 212 and 213, giving great weight to the conservation of the significance of designated heritage assets, and having clear and convincing justification where harm or loss to significance is identified. The absence of information to meet the requirements of NPPF 207, means that the harm has not been identified in the application and nor has the need to clearly and convincingly justify the harm. You should seek the views of your own specialist historic building and archaeological advisors.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 207, 208, 212 and 213 of the NPPF, and policies LD1 and LD2 of the Hereford Local Plan Core Strategy. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate

otherwise. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us."

4.3.3 3rd consultation 18 November 2025

"Thank you for your letter of 5 November 2025 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The further information includes an Heritage Impact Assessment (HIA).

Heritage Impact Assessment and Significance

The addition of this document addresses, in part, the requirements of NPPF 207. However the HIA does not sufficiently consider the archaeological record of the site, its contribution to the significance of designated heritage assets, or the impact of the proposal on those archaeological remains and therefore on the significance of designated heritage assets. The HIA does not refer to the archaeological evaluation undertaken on the site in 2007 (Archaeological Investigations Ltd, Hereford Archaeology Series 760) for application 2007/2594/F, nor to Hereford Council's Hereford City Defences Conservation Management Plan (Hereafter 'CMP'). The conclusion of the HIA, that the proposal does not disturb areas of known archaeological significance, is not supported by the evidence from the evaluation.

The site contains a wealth of medieval archaeological remains and deposits dating from the late 11th century to the end of the 14th century that contribute to the significance of the nearby designated heritage assets of Wye Bridge and Row Ditch, the Area of Archaeological Importance and the Conservation Area. The 11th century date from the remains on site is contemporaneous with the expansion of the city defences to the south of the river as set out in the CMP. The remains are evidence of the medieval suburb that formed within the protection of the newly expanded city defences alongside the principal access route into the city from the south, which may represent a conscious planning in the expansion of Hereford. The remains, therefore, make an important contribution to the understanding of the development of Hereford in the medieval period and to the significance of designated heritage assets.

Impact

The proposal will result in loss to these remains and to the legibility of the form of the medieval suburb. We retain the view that this represents a medium level of less than substantial harm to the designated heritage assets set out above and in our previous advice.

Policy

Policies LD1 and LD4 of the Hereford Local Plan Core Strategy 2011-2031 and paragraphs 207, 208, 212 and 213 of the NPPF apply to this proposal.

Position

We retain concerns regarding the application due to its impact on the contribution made by the legible form of the medieval suburb and its archaeological remains to the significance of nearby designated heritage assets of Wye Bridge and Row Ditch, the Area of Archaeological Importance and the Conservation Area. Your authority should consider in your determination, the information from the 2007 Archaeological Evaluation which demonstrates a wealth of well preserved medieval archaeological remains within the site that will be impacted by the proposal. The impact on these remains and the legibility of the medieval suburb represents a medium level of less than substantial on the significance of the nearby designated heritage assets. You should seek the views of your own specialist historic building and archaeological advisors on the amended information.

Recommendation

Historic England has concerns regarding the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

4.4 Natural England – No objection (subject to appropriate mitigation being secured)

4.4.1 1st consultation 1st September 2025 (Amended Plans)

“Thank you for your consultation on the above dated 31st July 2025 which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND’S ADVICE NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- *have an adverse effect on the integrity of River Wye Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.*

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 measures need to be secured as set out in the Appropriate Assessment.*

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

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

Internationally and nationally designated sites

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

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

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

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

River Wye SSSI – No objection

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

Other advice

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment and the proposed mitigation measures. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary.

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

Should the proposal change, please consult us again.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk."

4.5 Dwr Cymru Welsh Water – No objections; conditions recommended

4.5.1 1st consultation 3 April 2023 (Superseded Plans)

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

ASSET PROTECTION

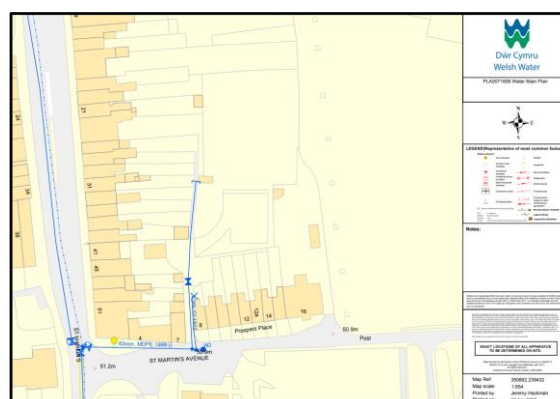
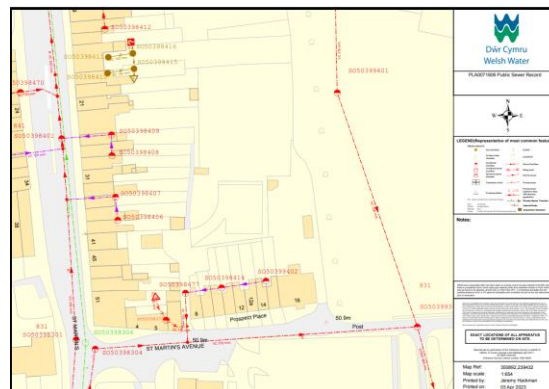
The proposed development site is crossed by a 150mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

POTABLE WATER SUPPLY OBJECTION due to potential need to upsize existing 63mm main up to a 90mm if a further 6 properties are being constructed. May need referring for modelling.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.



Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

4.5.2 2nd consultation 14 August 2025 (Amended Plans)

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

ASSET PROTECTION The proposed development site is crossed by a 150mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. If operational development is likely to take place within 3 metres either side of this sewer, please stop works and contact us. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991. The proposed development is also crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The proposal is to discharge surface water via a soakaway system, we have no objection to this however advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage. Should circumstances change and a surface water connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

POTABLE WATER SUPPLY The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

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

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

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

Conditions For Development Near Water Mains

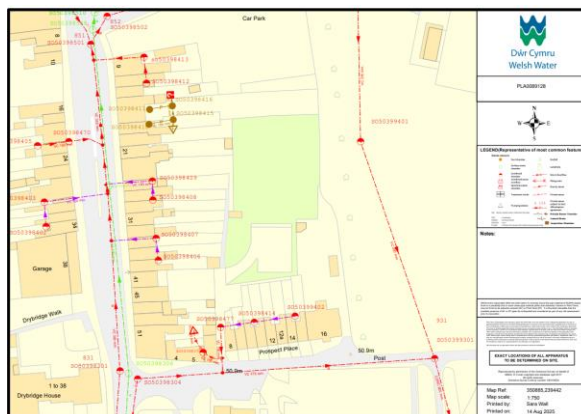
1. No structure is to be sited within a minimum distance of 3M from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.

3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.

5. The existing ground cover on the water main should not be increased or decreased.

7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.



PF2



4.6 Hereford and Worcester Fire Service – Qualified Comments

4.6.1 1st consultation 25 September 2023 (Superseded Plans)

“With regard to the attached Planning consultation letter regarding the application detailed: Planning Re-consultation - 230432 - Land to the rear of Prospect Place, St Martins Avenue, Hereford. Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments:

Fire Service Vehicle access to the new dwellings may need to comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1 In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the new dwellings... Access road to dwelling should be in accordance with ADB 2019 Vol. 1 Table 13.1

The above matters may be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

Should you wish to discuss further please do not hesitate to contact me”

4.6.2 2nd consultation 15 August 2025 (Amended Plans)

“Regarding the attached Planning Consultation letter for application following comments: - 230432 - Land to the rear of Prospect Place, St Martins Avenue, Hereford

Fire Service Vehicle Access: Access to the new dwellings must comply with ADB 2019 Vol. 1 B5, section 13 & Table 13.1. Specifically, there should be access for a Fire Appliance to within 45 metres of all points of the new dwellings.

- 1. Access Road: The access road to the dwellings should meet the standards outlined in ADB 2019 Vol. 1 Table 13.1. The current plan doesn't comply.*
- 2. Water Supply for Firefighting: Water for firefighting purposes may need to be provided in accordance with ADB 2019 Vol. 1 B5 and/or the National guidance document on the provision of water for firefighting. The current plan doesn't comply.*
- 3. These matters will be assessed through the consultation process with Local Authority or Approved Inspector Building Control bodies to ensure compliance with the Building Regulations (2010). Additionally, any other issues will be addressed under the Fire Safety Order (2005) once the building is occupied.*

Please note that my comments pertain only to the general site layout and accessibility for fire appliances. Other departments within HWFRS may review different aspects of the new proposals and may provide separate comments.”

3rd consultation 27 November 2025 (Amended Plans)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Regarding the attached Planning Consultation letter for application Planning Re-consultation - 230432 - Land to the rear of Prospect Place, St Martins Avenue, Hereford.

Fire Service Vehicle Access: Access to the new dwellings must comply with ADB 2019 Vol. 1 B5, section 13 & Table 13.1. Specifically, there should be access for a Fire Appliance to within 45 metres of all points of the new dwellings.

- 1. Access Road: The access road to the dwellings should meet the standards outlined in ADB 2019 Vol. 1 Table 13.1.*
- 2. Water Supply for Firefighting: Water for firefighting purposes may need to be provided in accordance with ADB 2019 Vol. 1 B5 and/or the National guidance document on the provision of water for firefighting.*
- 3. These matters will be assessed through the consultation process with Local Authority or Approved Inspector Building Control bodies to ensure compliance with the Building Regulations (2010). Additionally, any other issues will be addressed under the Fire Safety Order (2005) once the building is occupied.*

Please note that my comments pertain only to the general site layout and accessibility for fire appliances. Other departments within HWFRS may review different aspects of the new proposals and may provide separate comments.

5. Internal Council Consultations

- 5.1 During consideration of this application, amended plans and additional or updated supporting documents have been submitted. For avoidance of any doubt, consultation responses are provided below and have been annotated under each consultation response where they are responding to either the now superseded plans or amended plans.

5.2 Building Conservation Officer – Qualified comments; conditions recommended

5.2.1 1st consultation 15 May 2023 (Superseded Plans)

“The proposal is for the Erection of 6 townhouses and 2 rooftop apartments together with associated works at land to the rear of Prospect Place St Martins Avenue Hereford.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

The site lies within the Central Conservation Area and close to listed buildings and scheduled monuments

Scheduled Monuments;

UID 1001780 Row Ditch

UID 1005530 Hereford Castle

UID 1005521 Wye Bridge

Listed Buildings;

UID 1196866 St Martins House St Martins Street included on the statutory list on 10/06/1952

UID 1279759 47 and 49 St Martins Street included on the statutory list on 22 October 1973

UID 1196865 Norfolk Terrace 25-39 St Martins Street incl on the statutory list on 10/06/1952

UID 1279755 Norfolk House St Martins Street included on the statutory list on 10/06/1952
UID 1196864 17,19,21 St Martins Street included on the statutory list on 10/06/1952
UID 1196863 15 St Martins Street included on the statutory list on 10/06/1952
UID 1196862 11 and 13 St Martins Street included on the statutory list on 10/06/1952
UID 1196902 Old Sack Warehouse Wye Street incl on the statutory list on 22/12/1983
UID 1196900 Tara House barn warehouse shed and wall 14 Wye Street St Martins Street included on the statutory list on 22 October 1973
UID 1196808 Cathedral Church of St Mary and St Ethelbert included on the statutory list on 10/06/1952
UID 1025105 Church of All Saints included on the statutory list on 10/06/1952

The site is therefore extremely sensitive in terms of heritage assets. I acknowledge that there will be other constraints on this site that need to be considered, however for the avoidance of doubt my comments are in respect of designated heritage assets, only.

The planning history on the site is a consideration and I note that an application was refused on 14/11/2007 on intensification of the substandard access and the fact that the site falls within a flood 3 zone and the sequential test had not been undertaken.

I note the comments in respect of the 2007 application from the then Conservation Manager, in that he was not of the opinion that a traditional style of building would be appropriate on the site and that a contemporary style therefore allows the building to be lower, to have less of an impact. reintegrate the site and would be subservient to the important listed buildings to St Martins Street. Although there would be some impact on the setting on the adjacent listed buildings we believe that this would not be particularly detrimental given that this is to the rear and not the principle facades” The comments continue that the function of the design has to some extent resulted in the form of the current building. However the style expresses a development of the Hereford effect successfully taken forward from the Left Bank at a domestic scale. We believe that this vividly expresses our aspirations for the city elevating the standard for development and-providing an interesting juxtaposition between the neo—classicism of 18th ‘and 19th century Hereford and post modernist architecture of the 21st century. We believe that it is important to introduce, in appropriate locations and with high quality designs, elements of the 21st century to provide an interesting balance and continue the tradition of high quality architecture.”

Whilst noting the summary in section 5.2 of the Design and Access Statement, I would not necessarily agree with the indicated summary of the advice provided. This pre-application advice (170177), referenced the previous history, heritage assets, flooding and ecology and considered that the application would not be supported due to the harm to heritage assets. The advice states that “ It was acknowledged that the 2007 application was not refused on heritage grounds, but as noted earlier in this letter there has been a change in the Development Plan, policy guidance and caselaw since that time. The advice concluded that the proposal is considered to result in substantial harm to designated heritage assets and as such by virtue of paragraph 133 of the NPPF should be refused. “

It is noted that the design, size and location of the proposal submitted at pre-application stage appear to be identical to the previously refused scheme from 2007, with the only additional information in respect of flooding and highways.

This was followed by a subsequent application 200034 for the erection of 6 townhouses and associated works. This application does not appear to have a decision on the planning portal, and I understood was withdrawn/to be withdrawn. As such I am not taking this application as a material consideration in the consideration of the current application. I do however note the comments made by the then principal Conservation Officer on 16/01/2020, and the subsequent informal advice on the revised drawing from another conservation officer dated 26/05/2021.

In respect of the current application I duly note the comments from Historic England and notwithstanding the details in section 5.4 – 5.12 I would concur that no adequate assessment of heritage assets has been made.

I would refer to paragraph 200 of NPPF which advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, grade I and II listed buildings, should be wholly exceptional.*

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

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

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

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

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

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

1 Identify which heritage assets and their setting are affected.

These have been addressed above as;

- Conservation Area*
- Scheduled Monument 3 in number*
- Listed Building 11 entries for over 20 buildings.*

- 1. Assess whether, how and to what degree these settings make a contribution to the significance of the heritage assets.*

The Central Conservation Area contains a high number of listed buildings, and as an Area of Archaeological Importance also contains a high number of scheduled monuments.

The comments from Historic England summarise this area as a medieval suburb, indicated on Speeds map of 1610, redeveloped in the C18th and C19th with many of the grade II listed buildings on the east side of the road. Cartographic evidence would illustrate this development, and was illustrated in the archaeological report that accompanied application 2007/2594/F which identifies the site in red. The summary of the Archaeological investigations were that the find suggest a fairly

intense activity between the 11th and 14th centuries after which is apparently ceased. The Bishops Meadow is now a public park, but so named because for centuries it was owned by the Bishops of Hereford. The bishops traditionally allowed the public free access to the fields south of the River Wye. In the Victorian period, this tradition was formally recognised when the fields were officially given to the people of Hereford. a low stone memorial just south of the bridge commemorates this gift.

<https://www.britainexpress.com/counties/herford/properties/victoria-bridge.htm#:~:text=Bishop's%20Meadow,-The%20southern%20end&text=The%20bishops%20traditionally%20allowed%20the,the%20bridge%20commemorates%20this%20gift>

The%20southern%20end&text=The%20bishops%20traditionally%20allowed%20the,the%20bridge%20commemorates%20this%20gift

Bishops Meadows provide a view into the city from this publically accessible parkland. The views from Bishops Meadow into the city in a setting assessment did not accompany the application.



Figure 3 John Speed's map of 1610 showing the approximate location of the site

Speed's Map of 1610



Figure 4 Taylor's map of 1757 showing the approximate location of the site

Taylor's map of 1757



1885 Survey <https://maps.nls.uk/view/120896617>

1945 Survey <https://maps.nls.uk/view/101569806>



The archaeological excavations found a modern culvert and similar type of constructions, but no evidence of occupation post C17th. This is supported by cartographic evidence, which indicates that it appears to be relatively undeveloped since Speeds map.

The area to the east of the site – Bishops Meadow also appears not to have been developed, given the proximity to the city, it is assumed that this is due to the land being a flood meadow flooding as noted on the 1885 survey maps. The open nature of this site permits views from the south of the river into the city and vice versa, the considerations of Historic England in this regard are duly noted.

I duly note the comments from Historic England that confirm that “in its current form the site contributes to the historic interest of the conservation area in terms of plot layout, to its special visual character in terms of the relationship between the patterns of development and heritage assets either side of the river, and is a positive element in of the setting of the Grade II buildings on St Martins Street.”

It is considered that the open nature of the site, which has retained this character for a considerable period of time, does contribute towards the setting of the listed buildings to the west. This open nature would be removed by the proposed development.

It is noted that in 2007, the site was still in the same ownership as one of the properties on St Martins Street. As such I would reference the building to be demolished B1 as indicated on the old maps.



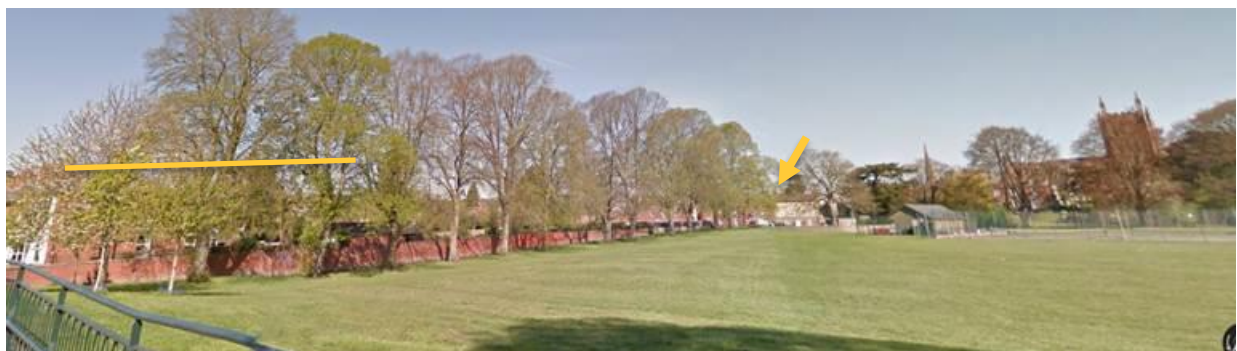
1885 survey 1945 survey Google earth imagery

This building to be demolished B1(on the ecological survey), appears on the 1945 map, and modern satellite imagery and as such is considered to have been in place on 1 July 1948, and also the date of listing of the principal house to which the land relates, assumed to be the same property that owned the land at the time of the 2007 application, and therefore has the potential to be curtilage listed. No assessment of the building to be demolished accompanied the

application. If curtilage listed, then listed building consent would be required for the demolition. Nonetheless and irrespective of the potential for curtilage listing, the building is within a conservation area, and as such an assessment of the building to be demolished should have accompanied the application.

Bishops Meadow is a public park and a pedestrian thoroughfare through the city. The view from Bishops Meadow of the city is a material consideration. Policy HD2 of the adopted Core Strategy considers development within the city centre, and provides criteria upon which new development will be assessed, however new developments including changes of use will be approved where they enable the protection, conservation and enhancement of Hereford's heritage assets, their significance and setting, including archaeology, with particular regard to the historic street patterns and the skyline.

The impact on the city's skyline has not been assessed as part of the submission, however the proposal proposes a four storey relatively flat roofed construction on the edge of Bishops Meadows. The roofline will be drastically different to the surrounding roofline, and given the small nature of the site very visible from Bishops Meadows. The windows are primarily centred on the eastern elevation to avoid overlooking of the residential properties at the rear, which results in the windows overlooking Bishops Meadows. The design, height, horizontal orientation of fenestration and materials would be different to the colour palette of the surrounding properties. The proposal therefore has the potential to harm the setting of buildings both those immediately adjacent and on the other side of the river most notably the cathedral and to a lesser extent the spire of All Saints Church. The screenshot below illustrates the 2 storey properties with pitched roofs on St Martins Avenue, and the three storey with pitched roof property of Tara House (identified by the arrow) . The proposed development would be four storey as indicated in the submission and the buildings on St Martins Avenue are illustrated on the submitted streetscape. The height of the ridge of St Martins Avenue is indicated



2. Assess the effects of the proposed development whether beneficial or harmful on that significance,

The site appears to have been designed in the redevelopment of the area in the late C17th to have this area of land undeveloped. The maps suggest gardens to the properties on St Martins Terrace,

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

potentially Norfolk House given that recent maps indicate a pathway to the outbuilding from Norfolk House.

<https://historicengland.org.uk/listing/the-list/map-search?clearresults=true#?search>

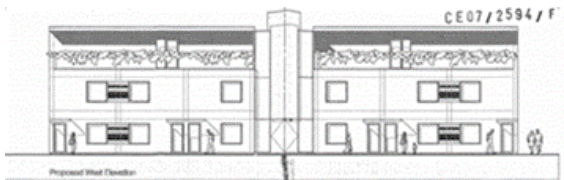
The proposal would erect a building on previously relatively undeveloped land. The site has a terrace of listed buildings to the west and listed buildings to the immediate north, as such the principle of development of the land has the potential to harm the setting of the adjacent listed buildings. However in terms of the design of the proposal it is noted that the current proposal is a storey higher than the previous 2007 scheme.



2007 scheme east elevation



currently proposed east elevation



2007 scheme West elevation



currently proposed west elevation

Conclusion

Whilst it is acknowledged that the increase in height is to enable car parking and cycle store on the ground floor given the location is prone to flooding, this has increased the height of the building enabling the roof scape to potentially be more visible.

As such the proposal by virtue of its scale, design, materials and location would have the potential to harm the setting of numerous listed buildings, including the cathedral when viewed from Bishops Meadow.

In addition to listed buildings the site is within the Central Conservation Area, and notwithstanding the 2007 application, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; Core Strategy Objectives 10 and 12, Policy LD1 and LD4, which seek to seek to protect conserve and where possible enhance heritage assets and their setting, and where opportunities exist to contribute towards the character and local distinctiveness of the townscape.

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;

It is not considered that it has been evidenced that the character of the townscape in this area, and where this development can be viewed from has positively influenced the design. Whilst noting that there are some contemporary designs within the City, each site should be considered in context for its immediate surroundings, and the contemporary design immediately to the north of the river is not visible from this location and as such not contribute towards the character or appearance of this area.

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

1. *Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;*
2. *where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;*

Irrespective of the principle of development in this location, the design is of a modern contemporary style as was the 2007 application. However I am mindful of the advice provided at pre-application stage in that “ Since the refusal of planning application DCCE2007/2594/F there has been a significant change in both the Development Plan and Government Guidance, along with relevant caselaw (Barnwell) with regards the weight to be afforded to adverse impacts on heritage assets, given the statutory duty to pay ‘special attention’ to them.” Reference was made to the South Lakeland DC v Secretary of State for Environment case which preceded the 2007 application and concluded that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

It cannot be concluded that the design, scale and materials would made a positive contribution to the character or appearance of the conservation area and would therefore satisfy policies LD1 and LD4.

Both the NPPF contain detail on why good design is important, and guidance on how to enhance assets, their settings and local distinctiveness is detailed on page 15 of the Historic England guidance Managing Significance in Decision-Taking in the Historic Environment, (historic Environment Good Advice in Planning : 2) I would also refer to chapter 12 of NPPF which also discusses design.

<https://historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2/>

I would refer to the following sections in NPPF 2021

Paragraph 134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

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

In addition to HD2, LD1 and LD4, I would refer to the Hereford Design Guide. The section on Georgian principles is particularly relevant in this instance, and advises how new buildings could be influenced by historic architectural character, in terms of;

- Material palette*
- Proportions and classical principles such as the golden ratio and the use of symmetry.*
- Hierarchy of windows with larger openings on lower floors and smaller square windows on upper floors.*

Chapter 4 is in relation to roofscape , and advises that “Views across the city or within the centre streets confirm the collective importance of roofs in the townscape. If a new roof is likely to be visible, particular attention should be given to its proportions, height, pitch, materials and colour, with cues from Hereford’s rich heritage. “ Design guidance was provided;

- The height of the roof should take account of those of its immediate neighbours and impact on the wider area*
- Flat roofs should normally be hidden behind parapets or be of outstanding or innovative design.*
- Consideration should be given to rooftop elements – chimney stacks, gables and dormers, which often provide a vertical accent in the skyline*

<https://www.herefordshire.gov.uk/downloads/file/16850/draft-hereford-design-guide>

As such it cannot be concluded that the proposal would not harm the setting of the conservation area, or listed buildings, and as such would be contrary to; Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, sections 199,200 and 201 of NPPF, Policies within the Herefordshire Local Plan Core Strategy 2011 – 2031, HD2 , LD1 and LD4.

The proposal by virtue of the overall architectural design and detailing fail to preserve or enhance the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would also cause less than substantial harm to the character and appearance of the conservation area and it is not considered that harm is outweighed by public benefits. For these reasons, the proposed scheme is considered contrary to Herefordshire Local Plan – Core Strategy Policies SS6, LD1, LD4 and SD1.

The proposal would fail to respect or contribute towards local distinctiveness and as such would be contrary to; Sections 197 and 206 of NPPF, Policies within the Herefordshire Local Plan Core Strategy 2011 – 2031 Policies SS6, RW1, LD1 and LD4.

It is also not considered the design and heritage objectives of Sections 12 and 16 of the National Planning Policy Framework have not been met.

Should the principle of development be considered acceptable, an alternative proposal in terms of height, design, materials would be required to satisfy sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, sections 199,200 and 201 of NPPF, and Core Strategy policies HD2 , LD1 and LD4.

Amended plans that would satisfy the above legislation, national and local policy would be requested before this proposal would be supported on built heritage terms. I duly acknowledge the comments made by Historic England, Hereford Civic Society and the local member.

Whilst I appreciate that built heritage was not a reason for refusal in the 2007 application, I would have to repeat the advice provided in the pre-application stage in that “ Since the refusal of planning application DCCE2007/2594/F there has been a significant change in both the

Development Plan and Government Guidance". I also note that this change also applies to highways considerations which has changed since 2007.

I duly note the planning history on the site, and the discussions that have occurred, however would have to concur with the formal response issued at pre-application stage 170177 and would consider that there would be harm to the setting of heritage assets by the proposal as submitted and would suggest that discussions in respect of amended plans that address the above concerns be considered.

However should you wish to determine the application on its current merits, notwithstanding the previous application, I would have to strongly object in built heritage terms for the following reasons.

The application site lies within the Central Hereford Conservation Area, adjacent to an area of public space that affords views into the city. The proposal by virtue of the overall architectural design and detailing fail to preserve or enhance the character or appearance of the conservation area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would also cause less than substantial harm to the character and appearance of the conservation area and it is not considered that harm is outweighed by public benefits. For these reasons, the proposed scheme is considered contrary to Herefordshire Local Plan – Core Strategy Policies HD2, LD and, LD4.

It is considered that the proposal would harm the setting of adjacent listed buildings and the Cathedral Church when viewed from Bishops Meadows. As such it is considered that the proposal would be contrary to; Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 199,200 and 201 of NPPF, Policies within the Herefordshire Local Plan Core Strategy 2011 – 2031 SS6, HD2 LD1 and LD4.

The proposal would fail to respect or contribute towards local distinctiveness and as such would be contrary to; Sections 197 and 206 of NPPF, Policies within the Herefordshire Local Plan Core Strategy 2011 – 2031 Policies SS6, , LD1 and LD4.

It is also not considered the design and heritage objectives of Sections 12 and 16 of the National Planning Policy Framework have not been met."

5.2.2 2nd consultation 29 September 2025 (Amended Plans)

"The proposal

The proposal is for the Erection of 7 townhouses with associated works at land to the rear of Prospect Place St Martins Avenue Hereford.

The site

The site lies within the Central Conservation Area and close to listed buildings and scheduled monuments, as detailed in previous built heritage comments of 15/05/2023.

Legislation Policy and Guidance

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 not 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Levelling-up and Regeneration Act 2023 inserts a section after section 58A of TCPA 1990. In considering whether to grant planning permission or permission in principle for the development of land in England which affects a relevant asset or its setting, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.

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 “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.*

Policy HD2 of the adopted Core Strategy considers development within the city centre, and provides criteria upon which new development will be assessed, however new developments including changes of use will be approved where they enable the protection, conservation and enhancement of Hereford's heritage assets, their significance and setting, including archaeology, with particular regard to the historic street patterns and the skyline.

Assessment of Proposal

The site is therefore extremely sensitive in terms of heritage assets. I acknowledge that there will be other constraints on this site that need to be considered, however for the avoidance of doubt my comments are in respect of designated heritage assets, only. I note the amended plans namely;

- 16-003 01 Location and Site Plans*
- 16-003 02 Proposed Site Layout and Access Detail*
- 16-003 03 Proposed Floor Plans*
- 16-003 04 Proposed Elevations*
- 16-003 05 Proposed illustration*
- 16-003 06 Site Section*
- 16-003 07 Park View illustration*

The previous built heritage comments identified less than substantial harm to the setting of heritage assets and failed to respect or contribute towards local distinctiveness.

It is duly acknowledged that the 2007 application was refused on the grounds of the intensification of the substandard access and the fact that the site falls within a flood 3 zone and the sequential test had not been undertaken. Setting of heritage assets was not a reason for refusal in the 2007 application, and the then Conservation Manager supported a contemporary design. However there has been a change in the Development Plan, policy guidance and caselaw since that time. Most notably is Core Strategy Policy HD2 and the Hereford Design Guide SPD, both of which provide advice on development within Hereford.

The height of the buildings is acknowledged which is a design solution to the flooding issue, and as such the roofscape is of importance in this location, and I would refer to the Hereford Design

Guide in addition to Core Strategy Policies, HD2, LD1 and LD4, in the consideration of the proposal against the statutory duties of sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

The design currently proposed is a brick terrace with a central breakfront feature with gabled, Georgian style what appear to be sash windows, and the roof broken by brick chimneys, and would be considered reminiscent of the listed terraces of St Martins Street in terms of the design and finish, with the terrace overlooking Bishops Meadow, with the existing brick wall to the boundary retained.

The design proposed would appear to have been produced in response to previous built heritage concerns to the design, and taking into account the Hereford Design Guide and CS policy HD2. Given the adjacent buildings the section on Georgian principles is particularly relevant in this instance, and advises how new buildings could be influenced by historic architectural character, in terms of;

- Material palette*
- Proportions and classical principles such as the golden ratio and the use of symmetry.*
- Hierarchy of windows with larger openings on lower floors and smaller square windows on upper floors.*

Chapter 4 is in relation to roofscape, and advises that “Views across the city or within the centre streets confirm the collective importance of roofs in the townscape. If a new roof is likely to be visible, particular attention should be given to its proportions, height, pitch, materials and colour, with cues from Hereford’s rich heritage. “ Design guidance was provided;

- The height of the roof should take account of those of its immediate neighbours and impact on the wider area*
- Flat roofs should normally be hidden behind parapets or be of outstanding or innovative design.*
- Consideration should be given to rooftop elements – chimney stacks, gables and dormers, which often provide a vertical accent in the skyline*

<https://www.herefordshire.gov.uk/downloads/file/16850/draft-hereford-design-guide>

It is therefore considered that the amended plans would concord with the design advice in the Hereford Design Guide and policies HD2, LD1 and LD4 of the adopted Core Strategy. However, a design of a traditional character can be easily diluted in its execution by poor choice of materials, brick bond and joint widths, and as such it is essential that if approved these details are conditioned.

Noting the amended plans, it is considered that the harm to the setting of UID 1196900 Tara House barn warehouse shed and wall 14 Wye Street St Martins Street included on the statutory list on 22 October 1973, and the wider Hereford Conservation Area including UID 1196808 Cathedral Church of St Mary and St Ethelbert as outlined in my previous comments have been mitigated by the proposed amended design, now producing a traditional terrace overlooking Bishops Meadow.

However the less than substantial harm by the erection of 7 dwellings on former unbuilt land within the conservation area would still remain. This would trigger Paragraph 215 of NPPF where the public benefit of the provision of 7 homes would need to be weighed against any harm created by the development.

As such the previous built heritage objection in terms of the design and the resultant harm on the setting of heritage assets is withdrawn in respect of the amended design.

However should the planning officer be minded to approve the application, I would advise that the small building identified as B1 on the ecological survey is considered to have the potential to be curtilage listed. As such the request for an assessment of the building to be demolished to

have accompanied the application is repeated, to ascertain if the building is curtilage listed, and as such requiring listed building consent for its demolition. However it is worth noting that the building has been altered significantly, and no longer has the significance of a garden structure that it formerly had and as such it is not anticipated that an objection to the demolition would be forthcoming, should the application be approved.

Should you be minded to approve the application I would suggest the following conditions.

C07 – amended plans

C13 external samples

CH1 Masonry Details

Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a sample of the type of brick proposed;
- a sample panel of brickwork
- the face bond of brickwork; - description of the joints proposed; - mortar mix, profile and finish.

The works shall be carried out in accordance with the approved details. Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

CH8 joinery details

No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings, and including depth from edge of external brickface.

- Method & type of glazing.
- Colour Scheme/Surface Finish
- Details of eaves boards

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

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

C65 removal of PD rights. Reason 2“

5.3 Area Engineer – No objection; conditions recommended

5.3.1 1st consultation 28 April 2023 (Superseded Plans)

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

- Car parking is to be provided in the form of garages for the townhouses (6 in total) and 10 additional spaces in the existing car park area. This total number of spaces results in the maximum provision as set out in our car parking standards (2 spaces per dwelling). In this location it would be good practice to reduce this provision to around an average of 1.5 spaces per dwelling (i.e. 12 spaces in total). This would also reduce the intensification of use of the access lane and junction.
- The plans proposed to increase visibility of pedestrians and cyclists on St Martin’s Avenue by positioning bollards at the back of the footway and widening the footway is considered to be acceptable and is considered to be an improvement over and above the existing situation.

This work could be conditioned and undertaken via a S278 agreement. It should be noted that S278 Technical Approval would have to be achieved prior to the discharge of the condition.

- *Cycle storage has been provided in the form of a dedicated internal store for the townhouses which is considered acceptable, although it is noted that the garages are also large enough to accommodate cycles. The garage may be a slightly better arrangement for the two dwellings on either side of the access to the apartments because there doesn't appear to be a ground floor front door so access would be through the garage and then three internal doors which would be less convenient. In addition, there does not appear to be any cycle storage for the apartments. An external store (enclosed on all sides) could be provided in place of two or three of the car parking spaces. Provision for the charging of e-bikes should be included.*
- *Building Control and/or the Fire Service should be consulted regarding the suitability of the access and turning area within the car parking for a fire tender to ensure it complies with their standards. In addition, Waste should be consulted to ensure that the refuse strategy is acceptable. It should be noted that it would not be acceptable to the LHA for large bins to be left out for collection on St Martin's Avenue within the vicinity of the access to the site as they would block visibility.*

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

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

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

5.3.2 2nd consultation 12 August 2025

"The Local highways authority has considered the amended plans submitted and makes the following updated comments for the application. The LHA has no objections to the development as proposed in the amended plans with the following conditions applied should planning permission be granted.

CAT- Construction Management Plan

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

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

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

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

CAJ- Parking

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

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

I09 – Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, 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 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 845900.

I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. 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 845900.

I08 – Section 278 agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.”

5.4 Building Control – No objection

5.4.1 1st consultation 2 September 2025 (Amended Plans)

“I have been asked to respond to your email regarding access for the above Planning application. All dwellings should comply with B5 of Approved Document B Volume 1 to The Building Regulations:

13.1 For dwellings, access for a pumping appliance should be provided to within 45m of all points inside the dwelling.

13.3 Access routes and hardstandings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

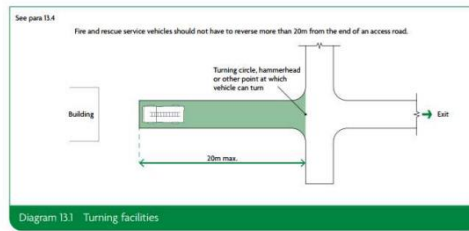


Table 13.1 Typical fire and rescue service vehicle access route specification

Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateway (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:
1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

Building Control would need to consult with the fire authority and a fire engineered solution would be required from the applicant with the proposals for access for Building Control to consider. I hope this answers your query but please do not hesitate to contact me if further information is required."

5.4.2 2nd consultation 10 November 2025 (Amended Plans)

"Having read the comments, I can conclude that provision of a mist or sprinkler system would appear to meet the requirements of the Building Regulations. This would be subject to consultation with the fire officer. The application would be subject to Building Regulation approval once submitted to Building Control either LABC or approved inspector."

5.5 Ecology – No objection; conditions recommended

5.5.1 1st consultation 4 April 2023 (Superseded Plans)

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

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

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

Notes in respect of HRA:

The proposal is for erection of 6 townhouses and 2 rooftop apartments together with associated works.

- The applicant has indicated that foul water flows will be managed by connection to the local mains sewer.*
- At this location the mains sewer system is managed through DCWW's Eign (Hereford) Wastewater Treatment Works.*

- *The Eign WwTW discharges in to the 'lower middle' section of the River Wye SAC.*
- *DCWW have not made any comments to indicate that a connection to their mains sewer system cannot be achieved.*
- *Natural England have not currently advised this LPA that this catchment area is failing its conservation status.*
- *The additional nutrient loading can be accommodated within the allowance currently secured through the Core Strategy.*

It is proposed that surface water flows will be managed through onsite SUDS scheme as indicated in the Flood Risk Assessment by Rab Consultants dated December 2019. However no on-site testing in accordance with BRE365 has been undertaken in order to determine whether the use of infiltration techniques are a viable option. This information is required to determine whether ground conditions are suitable for the proposed surface water drainage scheme. The LPA cannot progress the HRA process until this information is provided. It should be noted that no surface water and/or land drainage is likely to be allowed to connect directly or indirectly with the mains sewerage network so as to prevent hydraulic overloading of the public sewerage system.

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

Additional ecology comments:

The Preliminary Ecological Appraisal by Just Mammals date December 2019 is noted.

Due to ability for ecological change general preliminary ecology reports are considered valid for a period of 2 years or less depending upon circumstance/location/local changes etc (BS42020 and CIEEM guidance). Consequently, the ecology report should be revisited and updated to be supplied as wider ecology will need to be fully considered and acceptable by the LPA PRIOR to any final grant of planning permission.

The updated ecology report should clearly detail on plans the locations and provide specifications for the secured and lasting Biodiversity Net gain features that the development will offer. The ecology reports and plans submitted should clearly consider and provide mitigation details for all potential sources of additional illumination in this area of intrinsically dark landscape that benefits local amenity and nature conservation. If not detailed for approval as part of any final planning consent the BNG requirement will be secured by a condition on any permission that may be finally granted.

There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, SD4 and SD3 (SS1, SS6 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency."

5.5.2 2nd consultation 31 July 2025 (Amended Plans)

“The only ecology assessment and assessment of bat roosting supplied appears to remain the report by Just Mammals dated December 2019. This report indicates there were no Potential Bat Roosting Features within the proposed development and the site is managed such that there is no likely presence of protected species within or immediately impacted by the proposed development. From available information this does not appear to have changed significantly in the intervening period. With no PRFs present and no change in very low likelihood of presence of protected species the LPA has no reasonable cause to require an updated ecological assessment prior to determination.

This does not mitigate any statutory duty of care to wildlife protection that falls to the applicant and their contractors. The River Wye SAC is within 100m and as part of the required HRA Appropriate Assessment process a fully comprehensive Construction Environmental Management Plan is considered as relevant and appropriate. The ecology section of this and proposed mitigation measures will need to be based on an updated survey immediately prior to works commencing.

The HRA process will also need to consider potential effects of additional illumination created by the development – both on species associated with the River Wye and the known local populations of protected species – including light sensitive Bats. It is noted that in revised plans no rooftop usage or balconies are proposed and glazing at third storey level is limited. The development is also aligned at 90degrees to the River. A condition to manage external lighting is considered relevant and appropriate.

The site is within River Wye SAC catchment and this 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.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to “unfavourable declining” by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The demonstration of the use all best available ‘natural’ technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated

River Wye SAC - Habitat Regulations Assessment

The proposal is for SEVEN new residential dwelling (flat) with associated new foul water flows created.

Foul Water

- The new dwelling is in an area served by a mains sewer system managed by DCWW*
- At this location the foul sewer is managed by the DCWW Eign (Hereford) Waste Water Treatment Works that discharges into the River Wye.*
- The proposal is to connect to the existing mains sewer system serving the main property.*

- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy 'Hereford' housing allowances that were subject to a positive HRA process at the time the CS was adopted.

The connection to the existing DCWW mains sewer network can be secured via condition on any planning permission granted

Surface Water

- The surface water drainage report by Sutton Surveys dated October 2022 advises that all additional surface water flows created by the impermeable surfaces of the proposed development can be managed via suitably sized underground 'crated' Sustainable Drainage System – with no surface water being discharged directly from site or to the local mains sewer system.
- With SuDS confirmed there are no identified nutrient or pollutant pathways from the proposed development.

The use of SuDS can be secured by condition on any Planning Permission granted

Construction Effects

- The development is within 100m of the River Wye Sac (SSSI) and the extensive construction required could have environmental impacts on the Wye and its Habitats and Species.
- A detailed Construction Environmental Management Plan would provide an assessment of ALL potential Environmental and Ecological effects and secure detailed and specific mitigation measure for the entire duration of the construction and commissioning processes.
- The Ecology assessment and mitigation that forms part of the wider CEMP should be based on current ecological assessment no older than 6 months from expected start date.

The CEMP can be secured as a pre-commencement condition on any Planning Permission Granted.

Lighting and Illumination (includes relevant consideration of all protected species)

- The three storey development is within 100m of the River Wye SAC and has potential to increase local illumination levels affecting habitats and species of the River Wye SAC and other local populations of light sensitive protected species such as bats.
- It is noted that in revised plans no rooftop usage or balconies are proposed.
- Glazing at third storey level is limited to windows with a small glazed area.
- The development is aligned at 90degrees to the River minimising and direct illumination.
- It is concluded that subject to controls on any external lighting installed the development will have no significant effect on existing local illumination levels.

A condition to manage external lighting is considered relevant and appropriate.

River Wye SAC - Foul Water Management

Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to the local mains sewer system managed by Welsh Water through their Eign (Hereford) Waste Water Treatment Works. The foul water system shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

River Wye SAC - Surface Water Management

Unless otherwise approved in writing by the planning authority all surface water flows from the development permitted under this permission shall discharge to a Sustainable Drainage Scheme as detailed in the surface water drainage report ref SS-22-5557 dated October 2022 by Sutton Surveys. The surface water system shall hereafter be managed and maintained as approved. No surface water shall be discharged to local main sewer at any time.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

River Wye SAC –Construction Environmental Management Plan

Before any works, including site clearance or demolition begin; or equipment and materials are moved onto site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be submitted to the local planning authority for written approval. The Ecological working measures section shall be based on an ecological assessment no more than SIX months old. The approved CEMP shall be implemented and remain in place throughout the construction phase until all works are complete on site and all equipment and spare materials have finally been removed.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2..

River Wye SAC and Protected Species – Illumination and Dark Skies (external illumination)

No external lighting of any kind 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

Other Ecology Comments

The application predates Statutory BNG requirements

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements. Swifts are a nationally scarce species but are already found using the taller buildings in Hereford City for nesting purposes. As a three storey development in a location suitable for Swifts and their foraging requirements it is appropriate to ensure nesting opportunities are maximised and offered by the proposed development. A condition to secure a range of locations and options is suggested.

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of any building permitted under this planning permission, evidence such as photographs or ecologists report should be supplied to and acknowledged by the local authority evidencing the suitably placed installation of ONE Swift nesting box at roof level (alternate east and west elevations) on each dwelling hereby permitted. The installed nesting features shall hereafter 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 LD1, LD2 and LD3."

Case Officer Note: A copy of the completed Habitat Regulations Assessment – Appropriate Assessment which has been subsequently reviewed by Natural England is available under representations on the Planning Application Webpage. This can be accessed through the following web link: <https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=230432>

5.6 Landscape – Qualified comments

5.6.1 1st consultation 6 April 2023

"The development has the potential to give rise to likely significant adverse effects on appearance, character, existing trees and tranquillity contrary to Core Strategy, Local Plan Policies SS6, LD1, LD2, LD3 and LD4; and relevant NPPF policies. The King George V playing fields (and Bishops Meadow recreation ground) is a defining feature of Hereford, and for this reason a development of this appearance and scale is not appropriate on the edge of this important park and open space.

The building would overlook the park, and has a scale and design that would impact the landscape character and tranquillity of the park and the experience for the park users and the wider community. This includes people looking towards the park, across the park (i.e. towards the Hereford Cathedral), pedestrians walking and cycling along the paths and park users. The perceptual and tranquil qualities of this landscape can be described as beautiful and calming. The capacity for changing the visual quality of the park, and how it relates to the wider context of Hereford is sensitive.

The building and hard surfacing 'soil sealing' a high percentage of the natural ground – Destroying soil and vegetation that contains biodiversity. The degree of proposed landscaping to compensate or offset this loss is inadequate. The development is within close proximity to a row of mature trees and may harm the health of these trees. The trees are an important backdrop to the park. The scale, materials and colour (i.e. white) would visually stand out, impacting the low level skyline, muted tones and colours of the existing landscape and built environment.

Important factors to consider, but not limited to:

- The site is within a conservation area,*
- The site is associated with numerous listed buildings and features (i.e. Victoria bridge), and scheduled monument (Row Ditch),*
- The building impacts the visual setting of the park, and*
- The development harms site biodiversity, and potential tree health."*

5.6.2 2nd consultation 25 July 2025 (Amended Plans)

"My previous comments, dated 06/04/2023 are still relevant. Concerns relate to scale, mass and landscape impact."

5.7 Tree Officer – No objections; conditions recommended

5.7.1 1st consultation 5 April 2023

"I do not have an objection to the proposed development because in my opinion it is compliant with policies LD1 & LD3, subject to conditions. My understanding is the large Norway Spruce near the entrance will be retained and on account of its proximity to the parking area and proposed bin store a tree protection plan will be required as a condition."

Similarly a soft landscape scheme can also be submitted via condition, taking into account the recommendations made in the Ecological report.

Conditions:

CKA - Retention of existing trees

CKB - Protection during Construction

CKF - Specification for Tree Planting"

5.7.2 2nd consultation 27 August 2025 (Amended Plans)

"Comments: I have reviewed the amended layout and it appears that impacts to retained trees remain unchanged. Previous comments are still relevant:

Overly I do not have an objection to the proposed development because in my opinion it is compliant with policies LD1 & LD3, subject to conditions.

My understanding is the large Norway Spruce near the entrance will be retained and on account of its proximity to the parking area and proposed bin store a tree protection plan will be required as a condition.

Conditions:

"No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

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.

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works 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.

Prior to completion or first occupation of the development whichever is sooner, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected and the proposed time of planting. All tree planting shall be carried out in the first planting season following the occupation of the building, in accordance with the approved plant specification, as well as BS 8545: - Trees from nursery to independence within the landscape. 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 safeguard the character and amenity of the area and to ensure that that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework”

5.8 Archaeology – No objections; conditions recommended

5.8.1 1st consultation 22 March 2023 (Superseded Plans)

“This proposal is of course the latest iteration of many broadly similar schemes put forward for the site in question. I draw your attention particularly to comments made in relation to previous application DCCE2007/2594/F, and to my memo of 06/02/2020, in relation to application 200034. I should emphasise that the site is within the designated area of archaeological importance, a matter that the current application does not seem to consider as it ought to.

It is appreciated that numerous discussions have taken place over the years in relation to the possible heritage significance of the site and that ‘heritage’ as broadly defined did not form part of the 2007 refusal. Nevertheless, it is clearly the case in policy terms that the current application should fully address this potential issue within the application - and it does not. In particular, the results of the archaeological field evaluation previously undertaken on the site need to be submitted, especially as that evaluation did indicate below ground remains of interest on the site.

Further information required_- for the public record, and to properly comply with Para 194 of the NPPF

1. THE FORMAL HERITAGE IMPACT ASSESSMENT PREVIOUSLY REQUESTED
2. THE ALREADY UNDERTAKEN - BUT NOT SUBMITTED HERE - FIELD EVALUATION REPORT”

5.8.2 2nd consultation 14 August 2025 (Amended Plans)

“Please refer to my previous comments on this application dated 13/03/2023. It is concerning to say the least that the applicant/agent have not addressed those comments. It is their responsibility to provide within the application a heritage impact assessment including a report on the field evaluation already undertaken here. It is also very disappointing that in the letter of 17/7/2025, not a single mention is made of archaeology and the outstanding issues pertaining to it. This is, let us not forget, in relation to a key site within the designated AAI, on which extensive well-preserved archaeological remains have already been demonstrated to exist.

Whilst it is appreciated that the field evaluation report (Land to the rear of Prospect Place, St Martin’s Avenue, Hereford, HAS 760, 2007.) is lodged with the HER (ref 56124), that is actually not the same thing. I note that Historic England’s original letter of concern (24/03/2023) drew attention to the information deficit, to the extent that they regarded the applicable section of the NPPF as not having been fully complied with. I cannot see how those particular concerns have been addressed or indeed anywhere else.

Having said all of that, on reflection and on balance I consider that approval subject to stringent conditions may be appropriate in this case. These (bespoke) conditions will be in line with Para 218 of the NPPF. They are required in order to properly record the important archaeological remains present and to achieve acceptable publication and archiving of the results:

CONDITION *

“No development shall take place until the applicants have undertaken and completed a full archaeological excavation of the application site, or area thereof otherwise agreed by the local planning authority. This excavation must be in accordance with a written scheme of investigation submitted by the applicant, and approved in writing by the local planning authority.”

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

CONDITION *

“Prior to the occupation of any part of the approved development, the applicants will provide a final report on the archaeological excavation, will publish a summary of the findings, and will archive the material and written archive produced by the excavation.”

INFORMATIVE I01 (AAI NOTIFICATION)

Because the application site is within the designated Hereford Area of Archaeological Importance, a Section 35 Notification is additionally required under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act.”

5.9 Land Drainage Engineer – No objection; conditions recommended

5.9.1 1st consultation 21 April 2023 (Superseded Plans)

“SITE: Land to the rear of Prospect Place, St Martins Avenue, Hereford

TYPE: Planning Permission

DESCRIPTION: Proposed erection of 6 townhouses and 2 rooftop apartments together with associated works

APPLICATION NO: 230432

GRID REFERENCE: OS 350890 - 239431

APPLICANT: Mr P Tobin

AGENT: Mr Bernard Eacock

Our knowledge of the development proposals has been obtained from the following sources: • Application for Planning Permission; • Location and Site Plans (Ref: 01); • Proposed Site Layout and Access Detail (Ref: 02); • Floor Plans (Ref: 03); • Proposed Elevations (Ref: 04); • Design and Access Statement; • Flood Risk Assessment (Ref: 2220L).

Overview of the Proposal

The Applicant proposes the construction of 6 townhouses and 2 rooftop apartments. The site covers an area of approx. 0.19ha and is currently hardcore surface now vegetated with weeds and a small car park. The River Wye flows approx. 90m to the north of the site. The topography of the site is relatively flat. Site Location Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), April 2023.



Flood Risk Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high probability Flood Zone 3.

In accordance with NPPF new development should be steered away from areas at flood risk through the application of the Sequential Test. The NPPF states that development should not be

permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development may be subject to the Sequential Test where it is located in Flood Zone 2 or 3, or deemed to be in an area at particular risk of flooding from other sources. The Council should apply the Sequential Test and may require information to be submitted by the Applicant to support the test. If the development is considered appropriate at this location, NPPF also requires that a sequential approach is applied to guide new development to areas of lower flood risk, where possible. In accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

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

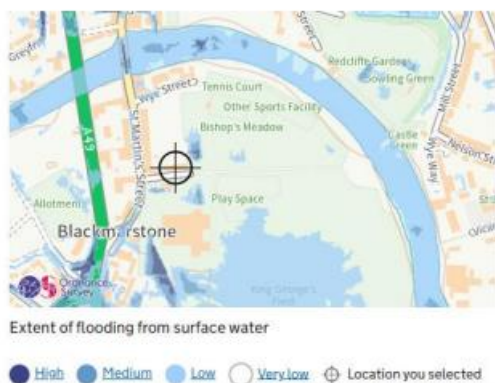
*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

EA Product 4 data has been submitted as part of the FRA. The modelled flood level for a 1 in 100yr + 37% CC event is 52.48mAOD. The ground floor of the proposed townhouses will involve a garage and cycle store which are to be finished with additional flood resilience measures. The residential living areas for each dwelling will begin at the first floor level with a proposed Finished Floor Level of 53.24mAOD. The proposed finished floor levels will be a minimum of 0.76m above the 1 in 100yr + 37% CC modelled flood level. It would not be acceptable to amend the ground floor to a habitable area. We acknowledge that the EA have provided a consultation response in support of the planning application and the current proposed development plans. We note that an outline flood evacuation plan has been included within the FRA. We understand that Herefordshire Emergency Planners have been consulted and will assess the adequacy of the Flood Evacuation Plan for the development.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. There is an area of low to high-risk surface water ponding to the east of the site.

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer. Surface Water Drainage Initial proposals are for the surface water to discharge to ground via infiltration techniques; although these have not been specified. The proximity of the River Wye and associated flood risk is suggested to possibly reduce the infiltration potential of the site.

A surface water connection to the public sewer system has also been included as a discharge option, however Welsh Water have confirmed that they will not accept a connection. Therefore, in line with the discharge hierarchy, a surface water discharge to ground must be sought in the first instance. The below advice must be considered to produce a detailed surface water drainage strategy: The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the NonStatutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council). In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, a controlled discharge to a local watercourse, or a controlled discharge into the public sewer network may be considered. The rate and volume of discharge should strive to provide betterment and be restricted to the pre-development Greenfield values as far as practicable.

For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates. The Cranfield University Soils Map identifies the soils within the proposed development area to be freely draining floodplain soils thus the use of infiltration techniques may be a viable option for managing surface water.

On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events. It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event.

The Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system (including temporary surcharging of gullies) and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate

separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential for a development of this size. The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components. Foul Water Drainage Welsh Water have confirmed that capacity exists to accept the foul flows associated with the proposed development. A drainage layout drawing should be provided to clarify where the foul drainage infrastructure will be laid and where a connection to the public sewer system will be made.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission:

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice.
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
- Submission of a drainage layout drawing to indicate the proposed surface water and foul water pipe layout and foul water connection point to the public sewer system."

5.9.2 2nd consultation 12 August 2025 (Amended Plans)

"SITE: Land to the rear of Prospect Place, St Martins Avenue, Hereford

TYPE: Planning Permission

DESCRIPTION: Proposed erection of 6 townhouses and 2 rooftop apartments together with associated works

APPLICATION NO: 230432

GRID REFERENCE: OS 350890 - 239431

APPLICANT: Mr P Tobin

AGENT: Mr Bernard Eacock

Our knowledge of the development proposals has been obtained from the additional sources provided since our previous consultation response in April 2023: • AMENDED Location and Site Plans 17.7.25 (Ref: 01); • AMENDED Proposed Site Layout and Access Detail 17.7.25 (Ref: 02); • Percolation Testing 17.7.25.

Overview of the Proposal The Applicant proposes the construction of 7 townhouses. The site covers an area of approx. 0.19ha and is currently hardcore surface now vegetated with weeds and a small car park. The River Wye flows approx. 90m to the north of the site. The topography of the site is relatively flat.

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



Flood Risk

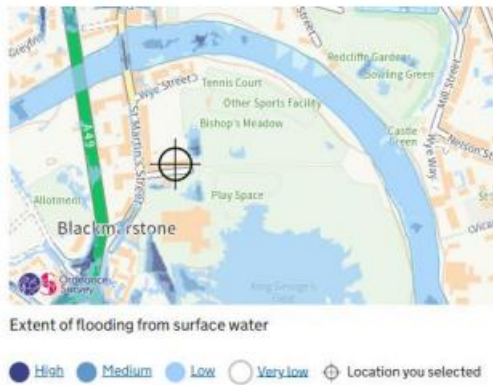
Fluvial Flood Risk Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high probability Flood Zone 3. In accordance with NPPF new development should be steered away from areas at flood risk through the application of the Sequential Test. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The development may be subject to the Sequential Test where it is located in Flood Zone 2 or 3, or deemed to be in an area at particular risk of flooding from other sources. The Council should apply the Sequential Test and may require information to be submitted by the Applicant to support the test. If the development is considered appropriate at this location, NPPF also requires that a sequential approach is applied to guide new development to areas of lower flood risk, where possible. In accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

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

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

EA Product 4 data has been submitted as part of the FRA. The modelled flood level for a 1 in 100yr + 37% CC event is 52.48mAOD. The ground floor of the proposed townhouses will involve a garage and cycle store which are to be finished with additional flood resilience measures. The residential living areas for each dwelling will begin at the first floor level with a proposed Finished Floor Level of 53.24mAOD. The proposed finished floor levels will be a minimum of 0.76m above the 1 in 100yr + 37% CC modelled flood level. It would not be acceptable to amend the ground floor to a habitable area. We acknowledge that the EA have provided a consultation response in support of the planning application and the current proposed development plans. We note that an outline flood evacuation plan has been included within the FRA. We understand that Herefordshire Emergency Planners have been consulted and will assess the adequacy of the Flood Evacuation Plan for the development. Surface Water Flood Risk Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. There is an area of low to high-risk surface water ponding to the east of the site. Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer. Surface Water Drainage Infiltration testing appears to have been undertaken onsite in October 2022 for which the results have now been provided. One trial hole was excavated to 1.3mBGL and three tests were completed. The slowest infiltration rate obtained was $1.02 \times 10^{-5} \text{m/s}$ which suggests a surface water discharge to ground would be viable. A groundwater level assessment was also conducted to 2.5mBGL and no groundwater was encountered. Given the proposed terraced arrangement for the dwelling houses, we note proposals for a single shared soakaway located within the proposed shared parking area. The proposed impermeable site area is stated to be 542m², however we are unclear whether this includes the additional dwelling now proposed, as the strategy is written based on the previous site development proposals. Soakaway sizing calculations have been provided to size the shared soakaway for a 1 in 100yr + 30% CC event. The allowance for climate change included within the current soakaway sizing calculations is insufficient. Please see the EA advice on the potential effects of climate change and range of allowances that should be considered to understand the implications: Flood risk assessments if you're applying for planning permission - GOV.UK (www.gov.uk/Climate-Change-Allowances (data.gov.uk)). The calculations should be revised accordingly based on this information and the correct impermeable site area; the associated proposed soakaway volume should be appropriately increased at DOC stage. All areas of hardstanding will be constructed of permeable materials. ACO type edge or central surface grills and drains appear to be proposed and are indicated to drain towards the proposed shared soakaway. The shared soakaway has only been sized to accommodate the roof water runoff from the proposed development. Should additional runoff from the permeable hardstanding areas be proposed to drain to this infrastructure, the 'impermeable area' used to inform the soakaway design will need to be increased appropriately to accommodate the permeable hardstanding to ensure it is sufficiently sized. The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. Based on the proposed drainage layout drawing, we assume the soakaway will be jointly owned and maintained by the future homeowners as it is sited within shared land however this should be confirmed at DOC stage. Foul Water Drainage Welsh Water have confirmed that capacity exists to accept the foul flows associated with the proposed development. A drainage layout drawing should be provided to clarify where the foul drainage infrastructure will be laid and where a connection to the public sewer system will be made.

Overall Comment

CONDITIONAL NO OBJECTION In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Submission of revised soakaway sizing calculations. These should confirm the proposed impermeable site area, in line with the above advice, and must be informed by the appropriate climate change allowance.

- *Submission of a drainage layout drawing to indicate the proposed surface water and foul water pipe layout and foul water connection point to the public sewer system. This should confirm the proposed soakaway volume and drainage arrangements for the hardstanding areas.*
- *Confirmation of the proposed adoption and maintenance arrangements for the surface water drainage system.”*

5.10 Environmental Health (Noise and Nuisance) – No objection; conditions recommended

5.10.1 1st consultation 11 September 2025 (Amended Plans)

“Comments are made from a noise and nuisance perspective.

Noise and nuisance from construction activities can have a detrimental impact on nearby residents. This site is in close proximity to existing sensitive receptors. Therefore, I recommend that the following condition is added to any permission granted:

Prior to the commencement of the development, the applicant shall supply a Construction Method Statement (CMS) for approval by the LPA, setting out how noise and nuisance to neighbours will be minimised:

The CMS shall contain the following (as a minimum):

The methods and materials to be used to ensure that the generation of noise is minimised; choice of plant and equipment to be used; hours of working; the use of prefabricated materials wherever possible. Regarding optimum site layout, noise generating activities to be located away from sensitive receptors. Good housekeeping and management, to include:

- a) Review of plant and activities to ensure noise minimisation measures are in place and operating;*
- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;*
- c) Controlling of site traffic;*
- d) Provision of noise monitoring during activities likely to affect sensitive receptors;*
- e) Dust mitigation measures.*

Reason: In order to protect the amenity of the area so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.”

5.11 Waste Management – Qualified Comments

5.11.1 1st consultation 15 May 2023 (Superseded Plans)

“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.

26 Tonne dimensions

Height: 3500mm

Width: 2250mm (2650 including mirrors)

Length: 7565mm

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)
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.*

Should a bin store be provided, it should be no more than 10 metres from where the collection vehicle can access, of such a size to accommodate the appropriate number of bins as above and have a doorway width of at least 1500mm. Bins should be able to be collected without having to move other bins out of the way.

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."

5.11.2 2nd consultation 10 September 2025 (Amended Plans)

"Please refer to previous comments made by Waste Management on 13th March 2023, which do not appear to have been addressed by the applicant. 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.

26 Tonne dimensions

Height: 3500mm

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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 (collected fortnightly)
1x240 litre wheeled bin for recycling (collected fortnightly)
1x23 litre food waste caddy (collected weekly)*

1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

Should a bin store be provided, it should be no more than 10 metres from where the collection vehicle can access, of such a size to accommodate the appropriate number of bins as above and have a doorway width of at least 1500mm. Bins should be able to be collected without having to move other bins out of the way.

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.”

5.12 Emergency Planning Officer – Consulted; no response received

6. Representations

6.1 Hereford City Council - Objection

1st consultation 6 April 2023 (Superseded Plans)

“Hereford City Council Planning Committee objected to Planning Application 230432. Councillors objected to numerous facets of the application. There were concerns of overlooking from these abnormally tall buildings into neighbouring properties, reducing the amenity value of established dwellings. Councillors noted that this is a particularly busy street for both pedestrians and vehicles, and were concerned over access issues; namely, that included in the proposal is a front door opening directly onto the access road. It was also noted that the site access is not suitable for emergency vehicles to easily enter, posing a health risk. The style of the proposed buildings was also criticised, being of poor and dated design, not in keeping with the historic area and lacking sensitivity for the location. There were concerns too over the risk of flooding, and Councillors wish to see a flood report on the area. Overall, Councillors saw far too many issues to allow permission for this application and strongly object.”

2nd consultation 17 November 2025 (Amended Plans)

“HCC supports its previously submitted objections to this development, which were based on access to the site, the Listed Building status and heritage aspects as well as frequent effects of flooding in this area”.

- 6.2 At the time of publishing this report, 65 letters of representation have been received from 45 interested parties including some multiple representations from either some individuals or from the same address. All object to the application and abridged summary of these representations are provided below:

- Overdevelopment
- Impact on the character and appearance of area, townscape and landscape

- Out of keeping and harm to Hereford Central Conservation Area and Listed Buildings
- Harm to Hereford Area of Archaeological Importance
- Poor access, narrow width and material intensification of substandard access
- Risk to highway and pedestrian safety
- No access for emergency services/waste disposal vehicles
- Lack of and loss of parking
- Increased localised parking stress
- Increased congestion
- Impacts of flooding/flood risk
- Flood Risk – exception and sequential tests not met
- FAS/flood defence walls breached in February 2020
- Scale/Height
- Poor design
- Lack of assessment on heritage assets and arboriculture supporting documents
- Impacts on residential amenity (overlooking/loss of privacy/loss of light/overbearing)
- Site is not brownfield/previously developed land
- Impact on wildlife
- Inadequate drainage arrangements
- Lack of Habitat Regulations Assessment
- Creates a precedent to backland development
- Impact on sewerage system
- Impact on River Wye SAC
- ‘Out-of-date’ Ecology survey
- Impact of light pollution
- Lack of energy efficiency measures
- Impacts during construction
- Lack of affordable housing
- Impact on tranquillity
- Waste arrangements/bin collection
- Application does not comply with Building Regulations
- Procedural issues with application
- Inadequacy of supporting documents
- Impacts on private rights of way/access
- Damage to property
- Loss of property value
- Applicant motives

6.3 Consultation responses can be viewed on the Council’s website by using the following link:-
[Planning Application Details - Herefordshire Council](#)

7. Officer’s Appraisal

Policy context

- 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.”* In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 34 of the NPPF require a review of local plans to be undertaken

at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The CS was adopted in October 2015 and a decision to review the CS was taken in November 2020.

- 7.3 Herefordshire Council is currently in the process of preparing a new local plan. A draft was published in March 2024 for Regulation 18 consultation. Following planning reforms including revisions to the NPPF by the UK Government in December 2024, the Council decided to cease further work on the Draft Regulation 18 Local Plan as a new spatial strategy is required to address a significant uplift in housing growth. The Council will 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 and as such, there is no emerging plan to which any weight can currently be attributed.
- 7.4 In reaching any decision, the level of consistency of policies of the adopted development plan against the NPPF will need be taken into account with due weight given according to their degree of consistency, as per Paragraph 232 of the NPPF. From reviewing those policies within the CS applicable to the determination of this application, they are generally consistent with the guidance contained within the NPPF particularly in terms of key policies relating to directing development to a sustainable location, making effective use of land, achieving well-designed places and conserving and enhancing social and environmental assets. As such, significant weighting should continue to be afforded to these relevant policies.
- 7.5 The NPPF, like Policy SS1 of the CS, is clear that decision-making needs to apply the presumption in favour of sustainable development as set out at Paragraph 11. This states that where there are no relevant policies; or the most relevant policies are considered to be ‘out-of-date’, Paragraph 11d, known as ‘the tilted balance’, is engaged. This means that planning permission should be granted, unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (this being Paragraph 11di and the area/assets of particular importance are detailed under Footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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 (this being Paragraph 11dii).
- 7.6 Paragraph 12 of the NPPF nevertheless remains relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
- 7.7 Planning reforms published in December 2024 by the UK Government included considerable revisions to the NPPF. In the context of Herefordshire, this notably includes a 70% increase in the new homes requirement over the plan period to 27,260 new dwellings. These changes have subsequently impacted the Council’s publicised housing land supply. Further to the most recent update of April 2025 (published in October 2025), the housing land supply position for Herefordshire remains below the required five years, presently at 3.11 years.
- 7.8 The above has implications for decision-making. Footnote 8 clearly states that for planning 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. Given the current housing land supply position, the relevant policies of the development plan should be regarded as being ‘out-of-date’. The positive presumption in favour of sustainable development, as clearly set out at Paragraph 11d of the NPPF, is engaged unless material considerations indicate otherwise.

- 7.9 The officer appraisal nevertheless makes a detailed assessment of the application against the policies of the adopted development plan in having regard to Paragraphs 12 and 232 of the NPPF although decision-taking will need to be considered in accordance with Paragraph 11d.

Principle of development

- 7.10 CS Policy SS2 relates to delivering residential development, establishing the overarching requirement for the delivery of homes across Herefordshire over the plan period of the CS (2011-2031). Policy SS2 makes provision for the delivery of a minimum 16,500 homes across Herefordshire. Of these, 6,500 new homes are to be directed to Hereford City (including the City centre and wider parish boundary) appreciating that the policy identifies Hereford as the principal main focus for new housing development. As a result of the NPPF revisions, it is likely that this requirement is expected to rise further.
- 7.11 Policy HD1 (Hereford) is a place-making policy which advises that in addition to four identified strategic urban extension sites across the wider periphery of Hereford City, around 3,200 of the 6,500 dwellings will be provided through the implementation of existing commitments, windfall development and development of non-strategic sites allocated through the production of the Hereford Area Plan (HAP) or Neighbourhood Development Plan (NDP). For information, the HAP was intended to set out detailed proposals to ensure the delivery of the targets for Hereford in the adopted CS although on 9 November 2020, a decision was taken to stop work on the HAP with immediate effect. There is also no NDP for Hereford.
- 7.12 Turning to Policy HD2, Hereford City Centre is expected to accommodate around 800 new homes including commitments, re-development of brownfield sites, re-use of upper floors above commercial premises and infill development amongst other things.
- 7.13 In the absence of the HAP or NDP, in having regard to Page 51 (Figure 4.2) of the CS, the spatial proximity of the site is located within the lung of the 'City Centre' as part of the Hereford Key Diagram although there is no disputing the fact that this site is wholly within the Hereford City parish boundary given the site has well-established links to the City Centre itself albeit separated by the River Wye via Wye Bridge.
- 7.14 Acknowledging the 'out-of-date' nature of CS housing policies, an assessment of pre-existing active travel options and connectivity opportunities needs to be considered, in having regard to Paragraph 110 of the NPPF. This site has several advantages with good access to a range of services and facilities for meetings employment, retail, recreation and educational needs which can be reached by means of walking and cycling without undue reliance on privatised transportation. There are also bus stops along St Martins Street offering connectivity not only into the heart of Hereford City Centre but also enabling access to the county's market towns by change over either at the City and/or County Bus Station and also at Hereford Train Station.
- 7.15 In terms of the place-making policies of the adopted development plan, namely Policies SS2, HD1 and HD2 of the CS, whilst they should be rendered 'out-of-date' given the current housing land supply position, this is considered to be a highly sustainable location. Seven dwellings would provide a modest yet still important contribution towards meeting housing growth targets for Hereford and, more widely, the county. The principle of development for a residential use of the is accepted in spatial terms however sustainability is more than simply a matter of location.
- 7.16 The proposal is now considered against more technical considerations. The overall planning balance is then undertaken at the end of the report when identified harms and benefits will need to be weighed up although it is noted that some technical considerations will require their own respective assessment(s), as required to do so by the NPPF e.g. historic environment.

Siting, design, scale and impact on character and appearance of the area (including consideration of landscape and townscape impacts, trees and landscape and visual impacts)

- 7.17 The NPPF promotes a high level of design and emphasis on achieving well-designed places, dedicating a section entirely to this (Section 12). Paragraph 131 states that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraphs 135 and 139 are also of relevance.
- 7.18 The detail of design is principally assessed by Policy SD1 of the CS which amongst other things states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The requirements of Policy SD1 are underpinned by Policy LD1 (landscape and townscape). Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape/townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. 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. 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 this network, integrates with, and connects to surrounding green infrastructure. Policies SS2 and SD1 also seek to ensure that proposals make efficient use of land taking into account local context and site characteristics.
- 7.19 Design is appreciated to be a subjective matter where many will have their own interpretation but it is noted that there have been concerns raised by several interested parties with regards to the proposed design. The design has evolved over the application period at the request of both officers and technical consultees. For awareness, the quantum and scale of the townhouses has also been amended since validation as the application was validated as six townhouses and two flats proposing a four-storey contemporary-designed building. Revisions to the application has notably included significant amendments to the scale, layout and particularly the appearance of the proposed townhouses to “loosen up” both amenity space and the site more generally.
- 7.20 The proposal is for a three-storey brick terrace with a central breakfront feature with gablet, sash windows, and the roof broken up by brick chimneys. It echoes the architecture of the listed terraces of St Martins Street in terms of both design and finish. With the terrace overlooking Bishops Meadow, the building would have an overall length of 34.1 metres, an overall ridge height of 11.5 metres (with eaves at 8 metres), and overall depth of 14.7 metres.
- 7.21 The design has been proposed in response to previous built heritage objections and has sought to take into account the Hereford Design Guide and CS Policy HD2. It seeks to propose an articulated response to this sensitive site. Given adjacent listed buildings, the Design Guide section on Georgian principles is particularly relevant and advises how new buildings could be influenced by historic architectural character, in terms of their material palette, as well as the proportions and classical principles such as the golden ratio and use of symmetry and particularly

the hierarchy of windows with larger openings on lower floors and smaller square windows on upper floors.

- 7.22 Due consideration has been given to roofscape also appreciating that views across the city confirm the collective importance of roofs across the townscape. Thought has been given to its proportions, height, pitch, materials and colour, with cues from Hereford's rich heritage. Land to the south is to be retained as a parking area to serve the townhouses and ensures that vehicular activity is segregated from pedestrian areas and the proposed accommodation.
- 7.23 Having regard to the deposited amended plans, which are accompanied by updated supporting documents, the proposed building is designed to maintain local distinctiveness through incorporating local architectural detailing and materials which respects scale, height, proportions and massing of surrounding development, making a positive contribution to the architectural diversity and character of the area hereabouts. It is considered that the proposal accords with the design advice of the Hereford Design Guide and policies HD2 and SD1 of the CS.
- 7.24 Nevertheless, a design of such a traditional character can very easily become weak in its execution through poor choice of materials including finer details like brick bond and joint widths. If the application were approved, these details along with general material details of both the external walling and roof finish will need to be secured by condition.
- 7.25 Turning to consideration of landscape, townscape and visual effects, Policies SS6, HD2, LD1 and LD3 of the CS are relevant. This is consistent with Sections 12 and 15 of the NPPF. It needs to be acknowledged that whilst the site is not within a designated landscape such as a National Park or National Landscape, it still contributes to a desirable landscape value. Bishops Meadow and King George V Playing Fields to the south of Bishops Meadow provide a positive defining feature of Hereford hereabouts with views not only towards the application site but the city centre itself including the Cathedral and Bishops Palace. Whilst this is somewhat diluted by the presence of the existing play areas and community sports park which interject into this open, tranquil space, development needs to be appropriate given this contextual relationship.
- 7.26 Concerns have been raised by the Senior Landscape Officer that the development has the potential to give rise to adverse effects on the appearance, character, existing trees and tranquillity, contrary to CS Policies SS6, LD1, LD2, LD3 and LD4; and relevant NPPF paragraphs. Despite revisions to both the appearance and scale of the development as submitted, they continue to express concerns with regards to scale, massing and subsequent impacts.
- 7.27 There is no denying the fact that the proposed building would overlook Bishops Meadow and take on increased visual prominence when semi-mature deciduous trees on the western boundary of the recreational grounds lose their leaves in autumn/winter months. However, it needs to be appreciated that the site is partly enclosed by residential uses to a number of sides, particularly to the south which also links with Bishops Meadow.
- 7.28 There is a well-established soft landscaped eastern boundary with Bishops Meadow that provides a well-defined and appropriate transition between the existing built form and the wider, open tranquillity of the open space which is a real benefit for both users and visitors. The introduction of new built form would remain softened by existing landscaping and it is not considered that a hard built edge hereabouts would be established in the townscape. The scale, materials and colour of the revised proposal does not visually stand out, would not adversely impact the skyline, with muted tones and colours of existing landscape and built environment.
- 7.29 Orientated north-south with its principle elevation fronting Bishops Meadow, the site is clearly sizeable enough to accommodate the development without appearing overly dominant within its context and allows for sufficient space for additional landscaping along the boundaries, together with the design incorporating a permeable forecourt. Whilst enhanced landscaping could reasonably be secured by condition, this is not to say that the building needs extensive landscaping to ameliorate the development given its now appropriate design ethos proposed.

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 7.30 The combination of retention of existing vegetation where possible, existing built context and proposed landscaping contains the development to an appropriate extent. It is considered that any perceived adverse impacts that interested parties have reached is appropriately mitigated by the relationship of the site with surrounding development, its set back nature from the eastern boundary and the confinement of development to within existing landscape boundary features. Where new landscaping is proposed, it can reasonably be enhanced by way of native species which would continue to reinforce landscape character, appreciating that a considerable proportion of features on site such as scrub are presently of low amenity value as the site has been left to become overgrown. It is felt that given the above reasoning, taken together with the reduced scale and design approach adopted, the proposal does not lead to tension with the aforementioned policies.
- 7.31 Regarding visual effects, it is accepted that the site is visible from short and medium distances from St Martins Avenue, Bishops Meadow and King George V Field, as well as from Wye Street car park looking south. It is also evident 'on the ground' just from walking around the site, surrounding environs and from representations received that PRowS are very well used, providing a link for residents and visitors to experience surrounding open spaces. Where the development would be visible from the recreational fields, it is considered that the perceived visual impact of new development would be effectively limited to the first and second storeys where existing and proposed landscaping and the positioning of the proposed building would limit impacts to an acceptable degree. Whilst appreciating the site may directly address the recreational fields more than properties along Prospect Place, officers consider that there would be negligible visual impact on this point, with the development reading as a more natural extension to the built form as a whole and not a disjointed, isolated development in its own right.
- 7.32 One cannot deny that the proposal, by its very nature, will likely change the appearance of the immediate area at a localised level. Notwithstanding this, it should be acknowledged that this is a site which has an established relationship with, and is adjacent to, the heart of Hereford City Centre with which the wider environs of the site provide a contribution to. The wording of Policy LD1 of the CS acknowledges some impacts may be inevitable but strives to ensure that mitigation put forward is appropriate, conserving and, where possible, enhancing landscape character, visual amenity and other relevant considerations e.g. heritage assets/biodiversity. Accordingly, officers do not consider that there is conflict with Policies SS6, SD1, LD1 and LD3 of the CS which is consistent with Sections 12 and 15 of the NPPF.
- 7.33 In specific reference to arbicultural/tree considerations, the application has been reviewed by the Tree Officer who has reviewed the plans and raises no objections subject to conditions in line with the aims of the NPPF with respect to trees and policies LD1 and LD3 of the CS. They acknowledge there is a large Norway Spruce near the site entrance, which is proposed to be retained. On account of its proximity to the parking area and the proposed bin store, a tree protection plan can be secured by pre-commencement condition which identifies the precise position of all trees on site including the extent of canopy cover and their precise positions in the context of the approved site layout. This is notwithstanding the fact that the tree is not proposed to be removed as advised in supporting documents.
- 7.34 Officers are thus satisfied that, on the basis of the information provided and subject to further details as necessary by condition, the siting, design, scale and impact on character and appearance of the area (including consideration of landscape and townscape impacts, trees and landscape and visual impacts), is viewed to be compliant with aforementioned policies of the adopted development plan, which is consistent with the guidance as set out in the NPPF.

Residential amenity

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 7.35 Policy SD1 of the CS strives to safeguard residential amenity for both existing and proposed residents. This is broadly consistent with Paragraphs 135f and 198 of the NPPF, appreciating the need to also consider cumulative impacts of development. In the absence of a Supplementary Planning Document for Herefordshire which defines acceptable separation distances, it is appreciated that a subjective view needs to be taken on such matters.
- 7.36 Concerns have been expressed by a majority of locally interested parties regarding the impact of the proposed development on their amenity. The development is designed internally to have all of the principal living space on the second floor eastern elevation overlooking Bishops Meadow with only either bedrooms or kitchen/dining areas proposed at first and second floors, respectively, on the western elevation facing existing properties along St Martins Street.
- 7.37 The proposals have been scaled to plan showing a distance of between 6 to 6.8 metres (approximately) between the western edge of the proposed terrace and the western boundaries with St Martins Street. A further additional 19 to 21 metres (approximately) is then scaled from the rear garden boundaries to properties on St Martins Street. The 'property to property' distance is therefore around 25 to 27.8 metres (approximately), depending on existing extensions to the rear of properties on St Martins Street. There is also a distance of 25 metres (approximately) from the southern edge of the proposed building to the southern boundary and rear gardens of Prospect Place. Given the separation distances involved, impacts on overlooking, overbearing, loss of privacy and light is viewed to be acceptable and would not amount to harm to the extent that should warrant refusing planning permission.
- 7.38 The Council's Environmental Health Officer (Noise) has also reviewed the proposal in terms of impacts on noise. They raise no objection to the proposed development, subject to the inclusion of appropriately worded conditions including a Construction Management Plan and controls over hours of working. Such measures would ensure that any potential impacts from noise and dust on neighbouring residents are maintained at acceptable levels.
- 7.39 Vehicular movements between 7 and 8 St Martins Avenue have also been duly considered although it should be appreciated that the site partly comprises an existing parking area which already benefits from planning permission for its use for parking and that the Local Planning Authority has no control or imposed limits to the level of vehicular movements on that access presently which could reasonably be in use 24/7. Whilst vehicles would continue to pass between these two property boundaries, it is not considered that their respective amenities would be so adversely impacted to withhold permission. The proposal is viewed to safeguard residential amenity to an acceptable degree and not considered to lead to conflict with aforementioned policy, accounting also for cumulative impacts in reaching this view.

Housing Mix

- 7.40 Policy H1 of the CS sets a clear threshold for the delivery of affordable housing where planning applications are for more than 10 dwellinghouses. This proposal is for 7 no. two-bedroom townhouses (dwellings). Therefore, there is no requirement for affordable housing. Policy H3 of the CS requires residential developments to provide a range and mix of housing which contribute to the creation of balanced and inclusive communities. The most recently published Local Housing Market Assessment for Herefordshire (2021) details the affordable and open housing market requirements for each Housing Market Area (HMA) across Herefordshire. The site falls within the Hereford Urban Market. The HMA still identifies a recommended need of around 25% of 2-bedroomed dwellings, as evidenced in the table below:

Table 17.10 Hereford HMA Recommend Housing Mix by Tenure by Size

		1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
Urban	Market	5%	25%	55%	15%
	Affordable home ownership	25%	40%	30%	5%
	Affordable rented housing	35%	30%	30%	5%
Rural	Market	5%	20%	50%	25%
	Affordable home ownership	20%	35%	35%	10%
	Affordable rented housing	35%	30%	30%	5%
HMA	Market	5%	25%	50%	20%
	Affordable home ownership	20%	35%	35%	10%
	Affordable rented housing	35%	30%	30%	5%

- 7.41 Policy H3 does not specifically restrict the development of solely a singular size of dwellinghouses, as proposed here. The assessment shows there is still an identified need for dwellinghouses of varying scales and not identified a particular oversupply of certain housing requirements where such previous assessments have done in the past in other HMAs across the county. Given the positively worded nature of aforementioned policy, no conflict is identified.

Heritage Assets (above and below ground) and the historic environment

- 7.42 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty with respect to listed buildings in exercise of planning functions. Section 66(1) is clear that:

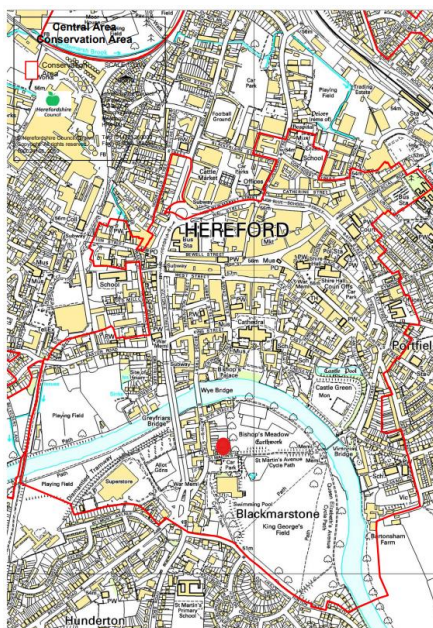
"In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- 7.43 Section 72 of the Act refers to the local planning authority needing 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. The Ancient Monuments and Archaeological Areas Act 1979 under Part II introduced the concept of areas of archaeological importance (AAI), city centres of historic significance which receive limited further protection by forcing developers to permit archaeological access prior to building work starting noting also that Hereford is designated an Area of Archaeological Importance.
- 7.44 CS 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. CS Policy LD4 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.
- 7.45 The NPPF also guides in terms of assessing the impact of proposals on both designated and non-designated heritage assets (above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 16).
- 7.46 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. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 7.47 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).
- 7.48 Paragraph 210 goes on to advise that in determining applications, local planning authorities should take account of 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.
- 7.49 The NPPF further advises as to how to consider potential impacts.
- 7.50 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 (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.
- 7.51 Paragraph 213 outlines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.52 Paragraph 214 deals with considering proposals which would lead to substantial harm. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.53 Paragraph 215 clearly states:
"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."
- 7.54 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 an 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.
- 7.55 It is acknowledged that a number of additional and amended supporting documents including in relation to heritage considerations have been submitted to accompany this application. It is also recognised that a small number of third parties have provided rebuttal to the supporting documents of the applicant and that officers are particularly also guided by the comments which have been raised across several consultations including in relation to latter consultation responses by Historic England, the Council's Principal Building Conservation Officer and the Council's Archaeological Advisor.
- 7.56 This site and the surrounding area is affected by the following heritage assets:
- Hereford Central Conservation Area

- Hereford Area of Archaeological Importance (AAI)
- Scheduled Monuments;
 - UID 1001780 Row Ditch
 - UID 1005530 Hereford Castle
 - UID 1005521 Wye Bridge
- Listed Buildings;
 - UID 1196866 St Martins House St Martins Street included on the statutory list on 10/06/1952
 - UID 1279759 47 and 49 St Martins Street included on the statutory list on 22/10/1973
 - UID 1196865 Norfolk Terrace 25-39 St Martins Street incl on the statutory list on 10/06/1952
 - UID 1279755 Norfolk House St Martins Street included on the statutory list on 10/06/1952
 - UID 1196864 17,19,21 St Martins Street included on the statutory list on 10/06/1952
 - UID 1196863 15 St Martins Street included on the statutory list on 10/06/1952
 - UID 1196862 11 and 13 St Martins Street included on the statutory list on 10/06/1952
 - UID 1196902 Old Sack Warehouse Wye Street included on the statutory list on 22/12/1983
 - UID 1196900 Tara House barn warehouse shed and wall 14 Wye Street St Martins Street included on the statutory list on 22/10/1973
 - UID 1196808 Cathedral Church of St Mary and St Ethelbert included on the statutory list on 10/06/1952
 - UID 1025105 Church of All Saints included on the statutory list on 10/06/1952

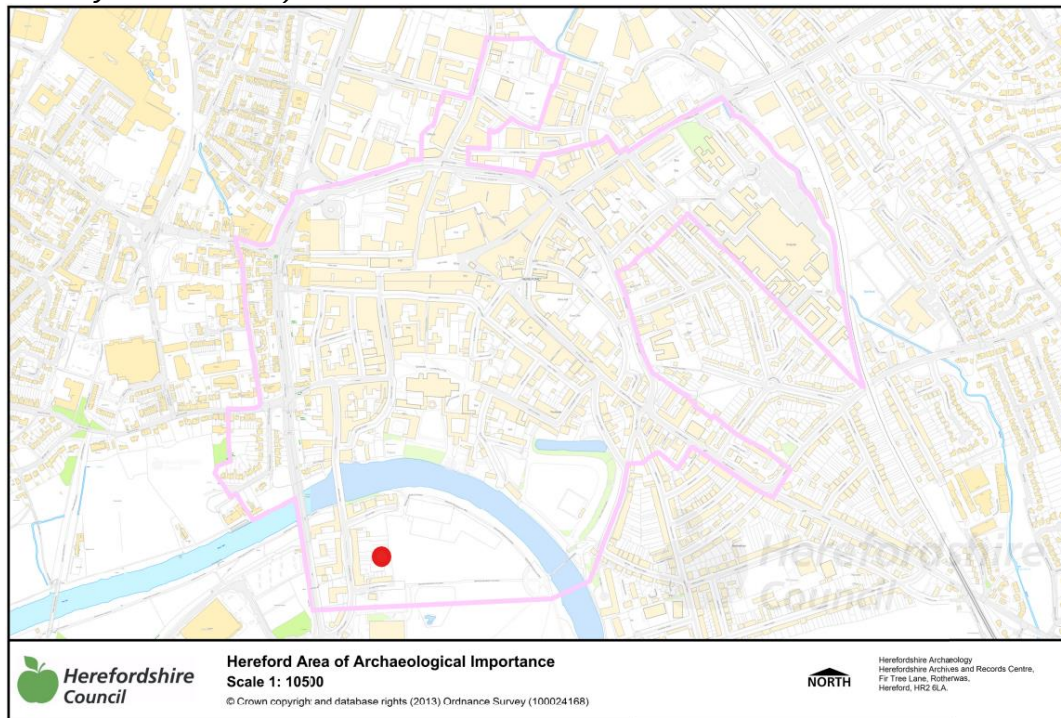
7.57 The maps below seek to identify the extent and approximate position of the above assets:



Hereford Central Conservation Area (C/O Herefordshire Council –
https://www.herefordshire.gov.uk/media/ufjc2nuv/central_area_hereford_conservation_area.pdf
 - for reference the application site is denoted by the red circle)



Extent of listed buildings and Scheduled Monuments (C/O Historic England – <https://historicengland.org.uk/listing/the-list/map-search> - for reference the application site is denoted by the red circle)



Hereford Area of Archaeological Importance (C/O Herefordshire Council – https://www.herefordshire.gov.uk/media/sqsf11pi/map_of_hereford_area_of_archaeological_importance_-_aai.pdf - for reference the application site is denoted by the red circle)

- 7.58 Whilst policy requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the overall planning balance. In order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance appreciating that relevant tests are clearly set out as referred to above.
- 7.59 An assessment of heritage assets has been submitted to support the application, in line with Paragraph 207 of the NPPF. Whilst third parties may dispute the confidence, level and detail of

this supporting information, the NPPF is clear that 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. Officers are satisfied that this has now been complied with further to the updated supporting information received including a Heritage Impact Assessment which is designed to be a structured process that evaluates the significance of a historic asset and analyses how a proposed development or change will affect it.

- 7.60 It is noted in representations that concerns have been raised by Historic England and the Council's Principal Building Conservation Officer. The Council's Archaeological Advisor has raised no objections to the proposal although this is subject to archaeological field evaluation which is something that, in their view, can reasonably now be dealt with by way of pre-commencement condition referencing their request for re-submitting a field evaluation report (Land to the rear of Prospect Place, St Martin's Avenue, Hereford, HAS 760, 2007) which is already lodged with the Historic Environment Record (ref 56124).

- 7.61 Dealing with each grouping of assets in turn:

Hereford Area of Archaeological Importance

- 7.62 Historic England advise that the archaeological evaluation on site, in relation to a previous planning application in 2007 (DCCE2007/2594/F), identified a wealth of medieval archaeological remains and deposits dating from the late 11th century to the end of the 14th century. The surviving form of the medieval suburb and its archaeological remains clearly make a positive contribution to the significance of the Area of Archaeological Importance. They consider that the proposal will result in a loss to these archaeological remains and the legibility of the form of the medieval suburb. They consider it represents a medium level of less than substantial harm to the designated heritage asset.
- 7.63 The position of Historic England does however need to be considered in conjunction with that of the Council's Archaeological Advisor who rightfully acknowledges that, given the site history, numerous discussions have taken place over a number of years in relation to the heritage significance of the site. Notably, 'heritage' as broadly defined (which can also reasonably extend to other designated and non-designated heritage assets) did not actually form part of the 2007 refused application for residential development of the site, in which the Local Planning Authority judged this matter to be acceptable.
- 7.64 Whilst noting Historic England's original representation which drew attention to the information deficit to the extent that they regarded the applicable section of the NPPF as not having been fully complied with, on reflection it is considered that a reasonable and proportionate approach is required. In this regard, bespoke pre-commencement and pre-occupancy conditions, in line with Paragraph 218 of the NPPF, can properly record the important archaeological remains present and ensure acceptable publication and archiving of these findings appreciating a field evaluation report has previously been submitted here which is lodged with the Historic Environment Record.
- 7.65 Nevertheless, and in being mindful of the continued position of Historic England, it needs to be acknowledged that the proposal amounts to a 'medium' level of 'less than substantial harm' to this designated heritage asset. The relevant 'public benefits' test, as set out under Paragraph 215 of the NPPF, will therefore need to be applied. This is considered towards the end of this section once other heritage assets have been considered.

Scheduled Monuments

- 7.66 Turning to the three scheduled monuments, Historic England note that the site lies within a medieval suburb that developed to the south of Wye Bridge (a scheduled monument and Grade I listed building) and the medieval city defences (part designated as a scheduled monument, Row Ditch, NHLE 1001780) to the south of the river. The medieval suburb, developed either side of the main south approach to Wye Bridge within the city defences, crossed St Martin's Street near Drybridge House. Medieval properties will have fronted the road with their individual property strips extending behind. Redeveloped in the late 18th and early 19th centuries, the western half of the suburb still retains its earlier medieval form with properties fronting the road, narrow property strips or open space behind up to the boundary with the park as can be seen on plan form. The surviving form of the medieval suburb and its archaeological remains do contribute positively to the significance of the nearby designated heritage assets of Wye Bridge and Row Ditch. Historic England consider there to be some erosion to the legibility of the form of the medieval suburb. This amounts to, in their view, a 'medium' level of 'less than substantial harm' to the designated heritage asset.
- 7.67 It is therefore acknowledged that the proposal amounts to a 'medium' level of 'less than substantial harm' to the Scheduled Monuments of Row Ditch and Wye Bridge only, noting that Hereford Castle has not been cited. The relevant 'public benefits' test under Paragraph 215 of the NPPF will therefore also need to be applied.

Listed Buildings

- 7.68 It is noted that Historic England have not raised adverse comments with respect to the impact of the proposed development upon the setting, experience and significance of listed buildings. The Council's Principal Building Conservation officer notes the amended plans and considers that the previously identified harm to the setting of Tara House barn warehouse shed and wall, 14 Wye Street and St Martins Street, and the wider Cathedral Church of St Mary and St Ethelbert as outlined in previous comments, have now been mitigated by the proposed amended design, now producing a traditional terraced form overlooking Bishops Meadow.
- 7.69 Your officer would view given the revised design and improvement in quality of the development where it most closely borders those listed buildings and contributes to their setting, significance and experience, that no harm to the setting, experience and significance of listed buildings is identified.

Hereford Central Conservation Area

- 7.70 Whilst briefly touched upon by Historic England in their initial comments but more so by the Council's Principal Building Conservation Officer, to the east of the site, the Hereford Central Conservation Area is characterised particularly by open flood meadows affording views across the river to the highly graded listed buildings of the cathedral complex and the scheduled remains of the castle. This area has long been used as a public recreation space and is linked to the city by a Grade II listed footbridge (built to commemorate the Diamond Jubilee of Queen Victoria) and laid out with walks. One of these links St Martins Street with the footbridge and follows the line of the Row Ditch.
- 7.71 It is considered that the partly open nature of the site which has retained this character for a considerable period of time would be removed by the proposed development. It is viewed that there would a 'medium' level of "less than substantial" harm to the significance of the Conservation Area hereabouts by the erection of the proposed 7 townhouses on this undeveloped land within the conservation area, although it must be recognised that the architectural and historical interest of any urban environment, including conservation areas, primarily emanates from the evolution of different designs, materials and architectural fashions. Nevertheless, the impact identified would trigger Paragraph 215 of NPPF where the public benefits would need to be weighed against the harm. This is now considered.

Public Benefits test(s)

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 7.72 Having regard to the above sections, your officer has identified a 'medium' level of 'less than substantial' harm to the significance of the Hereford Central Conservation Area, Hereford Area of Archaeological Importance and the Scheduled Monuments of Row Ditch and Wye Bridge.
- 7.73 From a decision-makers perspective, having regard to the comments raised by Historic England and the Council's Principal Building Conservation Officer, Paragraph 215 is considered to be engaged. In repeating Paragraph 215 of the NPPF,
- "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 7.74 It should be advised that officers are being consistent with relevant consultees in identifying a 'medium' degree of 'less than substantial harm'. As set out in NPPG (Reference ID: 18a-020-20190723), the NPPF requires any harm to the significance of designated heritage assets to be weighed against the 'public benefits' of the proposal. NPPG goes on to state that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 8), and not just simply needing to be related to or focused on heritage. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit that benefits an applicant only. However, benefits do not always have to be visible or accessible to the public in order to be genuine e.g. works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 7.75 Examples of heritage benefits may include:
- sustaining or enhancing the significance of a heritage asset and contribution of its setting
 - reducing or removing risks to a heritage asset
 - securing the optimum viable use of a heritage asset in support of its long term conservation
- 7.76 The conclusion of 'less than substantial harm' does not mean that the preservation of the setting or significance is diminished, as established in case law. In isolation of the material facts in relation to the setting, experience and significance of the above aforementioned heritage assets, there is no doubt that several wider public benefits would accrue from developing land to meet Herefordshire's unmet housing need.
- 7.77 In this particular instance, your officer would identify there to be several public benefits including:
- The contribution of 7 no. units towards Herefordshire being able to achieve a 5 year Housing Land Supply;
 - A housing mix of 2-bedroom townhouses which encourages city living;
 - The quality of the development in terms of its design approach;
 - Economic benefits from development in the creation of construction jobs during the construction phase, a number of which could benefit local tradespeople;
 - Economic benefits to the city of Hereford and wider HMA as a whole, including continued viability and vitality of such services through spending; and
 - Being able to record and advance the understanding of the significance of the AAI (wholly or in part) and to make this evidence or archive generated publicly accessible and improve the understanding of the heritage asset.
- 7.78 The 'medium' level of 'less than substantial harm' arising from the proposals would be limited to the legibility of the form of the medieval suburb and its archaeological remains within the AAI, and the contribution these make to designated heritage assets, namely the scheduled monuments and Conservation Area. Whilst the historic and architectural significance of these are acknowledged, the harm caused by the proposals is limited in both their nature and extent. The design approach has clearly sought to preserve and enhance key elements of nearby historic

fabric and setting, thereby ensuring that the significance of the heritage asset is not fundamentally compromised to a substantial degree.

- 7.79 Taking all things into consideration, the 'medium' level of 'less than substantial harm' to the Hereford Central Conservation Area hereabouts, the Hereford Area of Archaeological Importance and the Scheduled Monuments of Row Ditch and Wye Bridge, is considered to be outweighed by the public benefits. The proposal therefore 'passes' the Paragraph 215 test of the NPPF and is viewed to not lead to conflict with Policies SS6, LD1 or LD4 of the CS. In reaching this view, clear regard has been had to the approach of the public benefits test as outlined under NPPG. The statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, are viewed to be accordingly discharged.

Other heritage considerations

- 7.80 As advised in the site description, the Council's Principal Building Conservation Officer has drawn attention to the small outbuilding identified as B1 on the ecological survey which is considered to be curtilage listed.
- 7.81 Whilst the building is proposed to be demolished it is worth noting that the building has been altered significantly. It no longer has the significance of a garden structure that it once formerly had. An application for Listed Building Consent is considered to be necessary for its demolition before any works take place although it would be fathomed from comments of the Principal Building Conservation Officer that an objection to the demolition would be unlikely. This has been drawn to the attention of the applicant already although a suitably worded informative is recommended.

Access, highway and pedestrian safety and connectivity

- 7.82 CS 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. This includes ensuring appropriate operational and manoeuvring space, accommodating provision for all modes of transport, the needs of people with disabilities and providing safe access for the emergency services. The NPPF emphasises the need for developments to offer genuine choice in movement under Section 9. CS Policy SS4 similarly requires developments to minimise impacts on the transport network. 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.
- 7.83 Access to the building would be gained via St Martins Avenue which is located in between 7 and 8 St Martins Avenue. It is accepted that the access is relatively narrow due to the position of the existing buildings either side of the site entrance. This has been measured on site with a road measuring wheel by officers with width on average approximately 2.9 metres dropping down to approximately around 2.6 metres due to the presence of concrete steps further along the access.
- 7.84 It does need to be borne in mind that the access presently serves an existing parking area which has planning permission and capacity for up to 11 cars used by nearby properties in which spaces are leased from the applicant. The Local Planning Authority has no control over the number of vehicular movements which take place.
- 7.85 The proposal would enable the existing spaces to be allocated for future users of the proposed development, in addition to at least 1 space for each townhouse delivered via a ground floor garage, offering some overflow parking for visitors. The internal layout makes adequate provision for the parking and manoeuvring of vehicles for each townhouse, and a condition is recommended to secure the implementation of cycle storage as shown on the submitted floor plan. This does

however of course need to be weighed up against the inevitable displacement of existing parking for current users, including residents in Prospect Place, St Martins Avenue and St Martins Street.

- 7.86 Unlike certain areas of Hereford City where parking restrictions are absent, there is existing parking restrictions along St Martins Avenue. The likely increase in demand for on-street parking as a result of the proposed development can reasonably be mitigated by nearby on-street parking for permit holders. It is not considered that a refusal on the grounds of increased parking stress locally could be substantiated, appreciating the emphasis of planning policy to promote alternative forms of travel to the car, enshrined in the Council's own Highways Design Guide for New Developments, and also having regard to site's accessibility and the nature of the scheme for smaller units
- 7.87 The Local Highway Authority (LHA) has considered the proposal and are of the view that the application would not lead to an intensification in the use of the access to a material degree. Whilst appreciating that some third parties may view the access as being substandard, the LHA considers the arrangement acceptable. Given the existing parking area use and the LJA comments, it would be incredibly difficult to substantiate on appeal the assertion that the proposed development would result in a material intensification in use leading to a quantifiable and demonstrable highway safety concern.
- 7.88 Whilst it has been raised in several consultation responses by third parties that the access is not suitable for emergency vehicles, the applicant has sought further supporting information from a Member of the Institute of Fire Engineers and within their comments, clarifies that provided sprinklers (to BS 9251) or a water misting system (to BS 8458) is installed, the building would be compliant with Approved Document B Volume 1 to The Building Regulations. This approach has been shared with and is now to the satisfaction of colleagues in Building Control that the proposal would appear to meet Building Regulations (subject to consultation with a fire officer).
- 7.89 The plans propose to also increase visibility and safety for pedestrians and cyclists on St Martin's Avenue by positioning bollards at the back of the footway and widening the footway which is considered to be acceptable and an improvement over and above the existing situation. This work can not only be conditioned but undertaken via a Section 278 agreement. It should be noted that S278 Technical Approval would have to be achieved prior to the discharge of the condition as the proposed drop kerb provides safe access for all users, including those with mobility impairments, across a reasonably trafficked route appreciating the relationship with St Martins 'Pay and Display' car park.
- 7.90 National and local policy also aim to reduce car dependency and promote walking, cycling, and public transport. Future residents clearly have safe, convenient routes and pre-existing active travel options to connect to services and facilities. The site is in a highly sustainable location, with access to local facilities.
- 7.91 It is nevertheless acknowledged that local representations and the City Council have raised concerns regarding highway network capacity, safety, lack of visibility, parking, traffic volumes, junction capacity, width of access and construction traffic. In independently considering such matters, it also needs to be borne in mind that since 2007, the Council has adopted its CS, the NPPF has been adopted and revised several times which requires applications to be considered in accordance with the adopted development plan. Whilst appreciating that some third parties consider that the Council needs to apply a degree of consistency in decision-making, which is wholeheartedly acknowledged, the scale of the two schemes are different. It is viewed that in light of the lack of objection raised by the LHA and Building Control on the proposed arrangements, the proposal is in accordance with CS Policies MT1 and SS4, and NPPF guidance. The increase in vehicle movements is not considered to adversely affect highway safety or traffic flow, and the proposal achieves safe entrance, exit, and manoeuvring space that would engage Paragraph 116 of the NPPF. This is having particular regard to the existing use of the parking area that is not constrained in its movements and the highly accessible location of the site and need to promote sustainable travel choices and that parking overflow can be absorbed locally. Subject to the

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recommended conditions as advised by the Area Engineer, on behalf of the LHA, the development is viewed to be acceptable in terms of access, highway and pedestrian safety and accessibility/connectivity of the site. This notably includes a construction traffic management plan and further details with respect of finishing details for parking.

Flood Risk and Drainage

- 7.92 Chapter 14 of the NPPF relates to meeting the challenges of climate change, flooding and coastal change. Paragraphs 170 to 182 deal with planning and flood risk.
- 7.93 Policy SD3 of the CS 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.
- 7.94 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."*
- 7.95 Paragraph 181 of the NPPF states that *"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."*
- 7.96 Policies SD3 and SD4 of the CS also deal with issues relating to sustainable water management, wastewater treatment and river quality. Policy SD4 also 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.
- 7.97 The application site lies wholly within Flood Zone 3 although is offered some protection by the existing FAS and defence walls along the eastern boundary which are operated and maintained by the Environment Agency. The site can be safeguarded from flooding to at least a 1 in 100 year flood risk. As per national validation requirements, the application has been supported by a site-specific Flood Risk Assessment (FRA) and drainage strategy as well as a Sequential and Exception Test (the latter of which has been updated during the course of considering this application). In March 2025, the Environment Agency published updated surface water flood maps and NPPG updated guidance on flood risk on planning applications in September 2025, including application of the Sequential and Exception flood risk test(s).
- 7.98 The application has been assessed in accordance with policies SD3 and SD4 as well as Section 14 of the NPPF and NPPG on flood risk. Paragraph 180 of the 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." It needs to be acknowledged here that this site is not a strategic or allocated site in the adopted development plan. Accordingly, it is correct to apply both the sequential and exception tests pertaining to flood risk.

- 7.99 Paragraph 172 states that in terms of approaching development in flood risk areas, all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
- 7.100 Paragraph 173 advises that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Within this context, Paragraph 174 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are “reasonably available” sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). For avoidance of doubt, the application is not considered to benefit from the list of application types under Paragraph 176 and, by extension, Footnote 62 of the NPPF. Hence, this furthers the case for the sequential test to apply.
- 7.101 If, having applied the Sequential Test, it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test would then need to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF.
- 7.102 Paragraph 178 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) 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.
- 7.103 The NPPF is quite clear at Paragraph 179 that both elements of the Exception Test should be satisfied for development to be allocated or permitted.

7.104 The sequential approach to flood risk has been recently clarified within NPPG further to updates in September 2025 (Paragraph 027 Reference ID: 7-027-20220825): *“The sequential test should be applied to ‘Major’ and ‘Non-major’ development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the National Planning Policy Framework. Paragraphs 175, 176 and 180 set out exemptions from the sequential test. In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied. The absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications. However, housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.”*

7.105 The purpose is to demonstrate that it is not possible for the development to be located in an area with a lower risk of flooding, when wider sustainable development objectives are taken into account, most noticeably in this case; housing need in Hereford city and, more widely, Herefordshire. As the sequential test requires an assessment of wider sustainable development principles policies pertaining to other matters, particularly housing delivery are also relevant including Paragraphs 61, 73, 78, 79 and 219. Paragraph: 027a Reference ID: 7-027a-20220825 of NPPG goes onto identify the area of search for the sequential test as follows,

“For individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. For some developments this may be clear, for example, the catchment area for a school. For a non-major housing development, it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements. A pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. Equally, where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.”

7.106 NPPG clarifies a ‘reasonably available’ site as follows,

“Sites should be considered ‘reasonably available’ for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. In considering whether alternative lower-risk sites (which could, where relevant, be a series of two or more smaller sites) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered ‘reasonably available’.” (Paragraph: 028 Reference ID: 7-028-20220825)

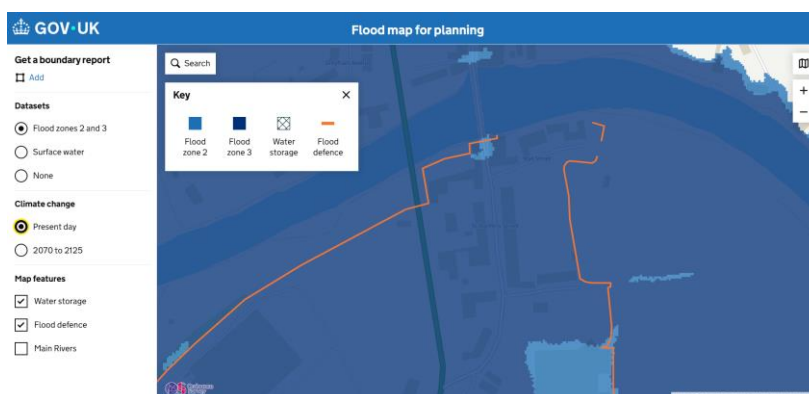
7.107 NPPG goes onto advise who is responsible for deciding whether an application passes the sequential test (Paragraph: 029 Reference ID: 7-029-20220825),

“Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other ‘reasonably available’

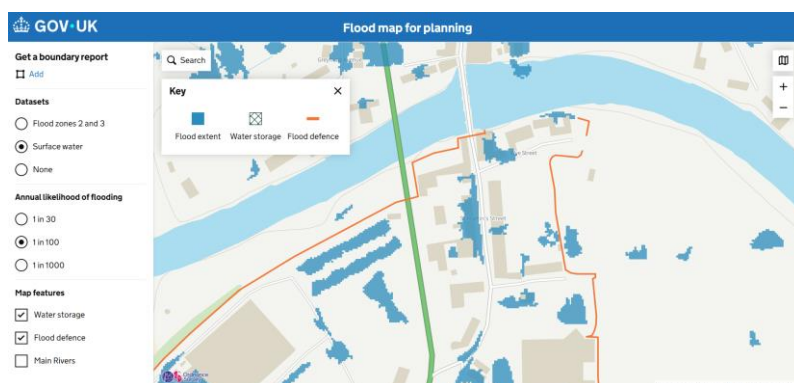
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sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. The applicant may also need to check on the current status of relevant sites to determine if they can be considered 'reasonably available'. Local planning authorities should inform the applicant and, where relevant, the Environment Agency about the outcome of the sequential test at the earliest opportunity, as this may avoid other work being undertaken unnecessarily."

- 7.108 Ultimately, the local planning authority needs to be satisfied that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. Gov.Uk Flood Maps for planning for both Flood Zones 2 and 3 and pluvial (surface water) flooding are provided below:



Flood Zones 2 and 3



Surface Water

- 7.109 There are therefore several processes which need to be considered. Firstly, does the application meet the sequential and exception tests pertaining to flood risk? And if so, can the local planning authority be satisfied that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere? These are addressed in turn, appreciating that the latter section will also need to consider the flood risk assessment in more detail on flood risk, as well as surface water (or pluvial) flooding. Thereafter, this section considers more general drainage arrangements, namely foul and surface water drainage and also water supply.

Sequential Test

- 7.110 In terms of general points in respect of the availability of other sites, the NPPF and NPPG make clear that wider sustainable development objectives should be taken into account when considering if a proposal could be directed to areas with a lower flood risk. In this case, the amount of housing required across the County and in Hereford City is an important wider sustainable

development objective. Firstly, a significant amount of housing is required across Herefordshire. It is not the case that the wider sustainable development objectives of the NPPF and indeed the CS would be met if the 7 dwellings proposed by this application were delivered. The 7 dwellings proposed are a contribution towards the wider objectives of providing sufficient housing within Herefordshire. Significantly more dwellings than the 7 proposed here are required if the Council are to deliver their wider sustainability objectives. Thus, the identification of a sequentially preferable site within Flood Zone 1 does not necessarily mean that the development of land in Flood Zones 2 and 3, notably those areas of Flood Zone 3 that benefit from flood defences as per the instant case, is not also required.

7.111 An assessment of the availability of alternative sites must also be made in the context of:

- The Council's housing land supply has reduced and currently stands at 3.11 years – a deficit that is may increase given the revised housing requirement;
- The amount of housing delivery in Hereford City is significantly deficient;
- Uncertainty over fulfilment of a significant proportion of the Strategic Urban Extensions;
- The Council's inability to currently support proposals across north Herefordshire, including large parts of the north Hereford City, given the unfavourable status of the River Lugg unless applications can demonstrate nutrient neutrality.

7.112 The objective of the Sequential Test is the demonstration that there are no other suitable sites for residential development of this quantum (approximate site area), and within the search area that lie in an area at lower risk of flooding, i.e. Flood Zone 1 or 2. It is clear from the above your officer considers that preferable alternative sites must be within the search area and are:

- Suitable;
- Capable of delivering a similar quantum of development;
- Of a similar site area; and
- In Flood Zone 1 or 2.

7.113 Having regard for the NPPF, CS and NPPG, the most 'up-to-date' evidence base comprises the Hereford Area Plan Housing and Employment Site Options Documents. This represents the most granular and reasonably up-to-date evidence base in preference to previous iterations of SHLAAs (Strategic Housing Land Availability Assessment, a technical study used by local authorities to identify and assess potential sites for new housing development) undertaken by the Local Planning Authority at the time of this report being completed. In terms of assessment, officers consider that a site should be 'reasonably available', as defined under Paragraph 028 Reference ID: 7-028-20220825 of PPG (as amended on 17 September 2025).

7.114 In terms of search area, further to updates to NPPG in September 2025, a revision has had to have been made to amend the extent of the search area on the part of the Local Planning Authority as NPPG advises it would not usually be appropriate for the area of search to extend beyond the specific area of a city rather than perhaps the whole city boundary. Accordingly, the search area has been reduced from the extent of the HAP (i.e. Hereford City parish boundary) to the ward of the application site (Hinton & Hunderton), and all adjoining wards with which the ward boundary is currently shared. These are: Central, Greyfriars, Red Hill, Saxon Gate, Newton Farm and Belmont Rural. This accordingly removes the requirement to apply the search area to the wards of: Widemarsh, Whitecross, Kings Acre, Bobblestock, Holmer, College, Aylestone Hill, Tupsley and Eign Hill, which effectively knocks out a good chunk of Hereford, particularly the north of the city centre.

7.115 In terms of site characteristics, the application site area is 0.19 hectares and the number of dwellings proposed is 7 townhouses, appreciating that in this case the dwellings to be delivered are over several storeys with an increased density on site. NPPG makes clear that alternative sites should be of a comparable size and able to deliver a similar quantum of development and within the search area that lie in an area at lower risk of flooding, i.e. Flood Zone 1 or 2.

- 7.116 Given the parameters in the supporting information provided, it has been agreed to consider sites between 0.1 hectares and 0.3 hectares. In analysing alternative sites, the CS does not allocate non-strategic sites for residential development. In the absence of Local Plan housing allocations of between 7 and 20 dwellings, the 'Hereford Area Plan – Housing and Employment Site Options Consultation' paper has been used to identify potential alternative locations for the development. This is a reasonable and justified approach on the basis that:
- The search area boundaries are analogous to the search area;
 - The paper includes an assessment of all sites submitted to the supporting 'call for sites;'
 - The call for sites is recent and thus an accurate reflection on whether a site is 'available;'
 - The paper includes the Council's assessment of which sites are suitable for development and which are not.
- 7.117 The HAP scores sites as either 'Potential Sites' or 'Discounted Sites.' The HAP makes clear that there is no guarantee that 'Potential Sites' can be delivered, rather the HAP confirms that they are worthy of further consideration. Contrarily, 'Discounted Sites' are summarily dismissed as being inappropriate for development. Accordingly, it is reasonable to discount for the Sequential Test, those sites which are also discounted from the HAP for being unsuitable for development.
- 7.118 Applying the above, there are considered to be six 'Potential Sites' which are similar to the application site. Five of these sites are summarised in the table below:

Ref	Address	Site Area	Capacity	Flood Zone
Cen 28	Fire Station, St Owens Street	0.22	15	1
Cen 30	Venns Close Car Park, Symonds Street	0.17	12	1
Cen 31	Land adjacent to Union Walk car park	0.15	10	1
Cen22	Bath Street Car Park, Bath Street	0.22	0	1
Tup22	County Records Office, Harold Street	0.26	20	1

- 7.119 The other site, which the applicant has missed, lies a short distance from the application site in St Martin's Street at the former Wyebridge Motors site (36-38 St Martins Street) although this is in Flood Zone 3 and the Council is currently considering a planning application for residential re-development of this particular site (LPA Reference: P250805/F) and although at the time of completing this report it remains undetermined, it is considered that this site cannot be considered a reasonably available site.
- 7.120 Going through the updated supporting documents, the applicant has now provided sufficient assessment of similar alternative sites which are either not reasonably available now or that there are clear technical or particularly significant constraints identified in terms of their deliverability. For these reasons, it is realistic to reach the view that the sites are not available and that officers have the confidence and assurance to say the proposal meets the sequential test.

Exception Test

- 7.121 The Sequential Test demonstrated that there are no reasonably available sites in areas of lower flood risk that can accommodate the proposed development. It is therefore necessary to address the two limbs of the Exception Test:
1. The development provides wider sustainability benefits to the community that outweigh the flood risk; and
 2. The development will be safe for its lifetime, will not increase flood risk elsewhere, and where possible will reduce overall risk.
- 7.122 The core principle under paragraph 178(a) of the NPPF requires that it should be demonstrated that: a) the development provides wider sustainability benefits to the community that outweigh the flood risk. The sustainability benefits must be locally relevant, tangible and proportionate to the development being proposed. Paragraph 8 of the NPPF identifies three overarching principles which lead to the deliverability and achievement of sustainable development – an economic objective, a social objective and an environmental objective.
- 7.123 In terms of economic benefits, development would assist in the safeguarding of existing jobs and increase of economic activity within the county through job creation and retention in the construction sector. The proposed houses will help sustain and modestly enhance school intake numbers, shops and transport links.
- 7.124 Turning to social benefits, new housing would assist in the delivery and wider sustainability of existing and planned community facilities through patronage and council tax receipts.
- 7.125 In terms of environmental benefits, the new townhouses can easily incorporate high-performance building fabric in accordance with the Approved Document L of the Building Regulations (Conservation of fuel and power) which seeks to reduce and regulate CO₂ emissions. These measures directly support the key objectives of the NPPF and the adopted CS including those relating to sustainable development, climate resilience, housing delivery, and environmental enhancement.
- 7.126 Turning to the second limb of Paragraph 178b), the application of the exception test is informed by a detailed Flood Risk Assessment (FRA) which demonstrates that:
- The development will be safe for its lifetime, taking into account climate change allowances in line with Environment Agency guidance;
 - Finished floor levels are set at least 600mm above the design flood level (0.76 metres above the 1 in 10year + 37%CC modelled flood level). The ground floor of the accommodation does not comprise habitable accommodation being given over instead to car parking and storage;
 - Early warning systems are available and will be in place should an overtopping event occur thereby providing residents with the necessary assurance that ample time to vacate the building is available and will allow them to make suitable alternative arrangements to ensure they are adequately safeguarded;
 - Safe access and egress routes are available during a flood event which meet the Environment Agencies set safety criteria. An outline Flood Evacuation Plan has been submitted as part of the Flood Risk Assessment;
 - Surface water runoff is managed through a SuDS strategy designed to mimic natural drainage patterns and restrict discharge to greenfield rates;
 - The development does not increase flood risk elsewhere, and where possible reduces it through improved conveyance and attenuation measures; and
 - Contribution to management costs associated with the Hereford FAS.
- 7.127 The site is in an area that benefits from flood defences up to a level of protection that the defences will be overtopped when considering a 1 in 100 year plus climate change (Design Flood Level)

even. In the event of over-topping, flood depths are low and risk mitigated by ensuring that habitable accommodation is set substantially above the 1 in 100-year breach scenario with CC allowance. In this instance, the FRA has chosen to derive a design flood level for the site utilising our nominal allowances. By doing so the minimum design flood level ascertained is 52.48 metres above ordnance datum (AOD) for the 1% plus 37% flood event. It should be noted, and is addressed in the submitted FRA, that in such an event the adjacent defences would be overtopped and this has informed the development proposals. Specifically section 4.1.1 of the FRA has confirmed that the habitable part of the development will be set at 53.24 metres AOD. This is 760mm above the design flood level of 52.48 metres AOD. Colleagues in Land Drainage and the Environment Agency are also satisfied with the proposed floor level of the habitable section of the townhouses. The development would, therefore, be safe for its lifetime and would not increase flood risk elsewhere. It is considered that having regard to the above and clear and convincing justification, Paragraph 178 b) is complied with.

- 7.128 Bringing the above together, the proposed development meets the Sequential Test and satisfies both elements of the Exception Test. It provides a palpable package of economic, social and environmental sustainability benefits that deliver long-term community net gains that align with local and national policy objectives. It will be safe for its lifetime, will not increase flood risk elsewhere, and includes design measures that contribute to overall risk reduction and resilience. It is also noted that neither Land Drainage, the Environment Agency and Welsh Water are objecting to the application. As such, the proposal accords with paragraph 178 of the NPPF and NPPG (Flood risk and Coastal Change).
- 7.129 Turning more generally to drainage arrangements, Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 7.130 With regards to surface water, infiltration testing has been undertaken for which the results have been provided for consideration. One trial hole was excavated to 1.3 metres below ground level and three tests were completed. The slowest infiltration rate obtained was $1.02 \times 10^{-5} \text{m/s}$ which suggests a surface water discharge to ground would be viable. A groundwater level assessment was also conducted to 2.5 metre below ground level and no groundwater was encountered. The Land Drainage Engineer nor the Environment Agency object to the principle of the proposed strategy and it is felt that calculations can be revised accordingly based on the revised plans and the correct impermeable site area; the associated proposed soakaway volume can be appropriately increased at discharge of condition stage appreciating that all areas of hardstanding would also be constructed of permeable materials. The applicant would also need confirm the proposed adoption and maintenance arrangements for the surface water drainage system although again this can be reasonably considered at discharge of condition stage.
- 7.131 With regards to foul water drainage, Welsh Water have confirmed that capacity exists to accept the foul flows associated with the proposed development.
- 7.132 The most recent comments of the Land Drainage Engineer, the Environmental Agency and Welsh Water are noted with conditional support offered or no objections raised. Given the size of the site and supporting information, the methods are viewed to be policy compliant and achievable on site to the extent that detailed design can reasonably be secured at discharge of condition stage. As such, it is considered that the requirements of Policies SD3 and SD4 of the CS are met.

Ecology and Biodiversity

- 7.133 CS policies SS6 and LD2 state 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 permission should be refused.
- 7.134 The application is supported by an update to a previously undertaken Preliminary Ecological Appraisal (PEA) and accompanied by a subsequent update letter dated from 2023. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. This report indicates there were no Potential Bat Roosting Features within the proposed development and the site is managed such that there is no likely presence of protected species within or immediately impacted by the proposed development. From available information this does not appear to have changed significantly in the intervening period. The LPA has no reasonable cause to require an updated ecological assessment given the most recent comments of the Council's Ecologist although this does not mitigate any statutory duty of care to wildlife protection that falls to the applicant and their contractors.
- 7.135 The River Wye Special Area of Conservation (SAC) SSSI is 100 metres north of site and as part of the required HRA Appropriate Assessment (HRA) process, a fully comprehensive Construction Environmental Management Plan (CEMP) is considered appropriate. The ecology section of this and proposed mitigation measures will need to be based on an updated survey immediately prior to works commencing. Conditions are recommended to this effect. Conditions can secure biodiversity net gain/habitat enhancements across the site, ensure that external lighting is strictly controlled. There are no reasons why one should consider that full details, specifications, locations and future management of any required mitigation and compensation cannot be secured within the development site and secured by appropriate and relevant conditions on any consent granted together with appropriate landscaping included. 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 CS Policies SS6 and LD2 and the NPPF.

Habitat Regulations Assessment (HRA)

- 7.136 The application site is within the Wye hydrological catchment of the River Wye 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 by The Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019) also known as 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.
- 7.137 Any final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England prior to any planning permission 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/mitigation to be secured. The HRA process must be completed with legal and scientific

certainty and using a precautionary approach. From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to “unfavourable declining” by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

- 7.138 The proposal is for seven dwellings (townhouses) with associated new foul water flows being created. The new dwellings are in an area served by a mains sewer system managed by Welsh Water (DCWW). At this location the foul sewer is managed by the DCWW Eign (Hereford) Waste Water Treatment Works that discharges into the River Wye. Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways. The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current CS ‘Hereford’ housing allowances that were subject to a positive HRA process at the time the CS was adopted. Connection to the existing DCWW mains sewer network can be secured via condition on any planning permission granted.
- 7.139 The surface water drainage report advises that all additional surface water flows created by the impermeable surfaces of the proposed development can be managed via suitably sized underground ‘crated’ Sustainable Drainage System – with no surface water being discharged directly from site or to the local mains sewer system. With SuDS confirmed there are no identified nutrient or pollutant pathways from the proposed development.
- 7.140 Turning to construction effects, the Construction Environmental Management Plan (CEMP) would provide further assessment of all potential Environmental and Ecological effects and secure detailed and specific mitigation measure for the entire duration of the construction and commissioning processes. The Ecology assessment and mitigation that forms part of the wider CEMP should be based on current ecological assessment no older than 6 months from expected start date. The CEMP can be secured as a pre-commencement condition on any permission granted. In considering Lighting and Illumination (including relevant consideration of all protected species), the development has potential to increase local illumination levels affecting habitats and species of the River Wye SAC and other local populations of light sensitive protected species such as bats. It is noted that in revised plans no rooftop usage or balconies are now proposed. The development is aligned at 90 degrees to the River minimising and direct illumination and subject to controls on any external lighting installed the development will have no significant effect on existing local illumination levels.
- 7.141 The HRA screening and appropriate assessment has been completed by the Local Planning Authority on this understanding and submitted for formal consultation with Natural England. Natural England have confirmed that the proposed development will not have significant adverse impacts on designated sites and has no objection subject to the mitigation proposed being secured by condition. Natural England have confirmed as the proposal complies with CS Policies SS6, LD2, SD3 and SD4, they are able to conclude there will be no adverse effects subject to the mitigation proposed including to the Wye hydrological catchment of the River Wye SAC and the SSSI.

Mandatory Biodiversity Net Gain (‘BNG’)

- 7.142 For avoidance of doubt, the submitted date of the application is such that it is not required to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions. Legislation came into force for small sites (i.e. non-major applications within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) on 1st April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) when the temporary exemption ceased.

The application was valid on 22 March 2023. Nevertheless, this does not take away other habitat and biodiversity enhancements, as advised by the Council's Ecologist.

Section 106 planning obligations

7.143 CS Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 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, must satisfy all of the following:

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

7.144 The development is only acceptable in the view of the Environment Agency, as submitted, as it benefits from the presence of the flood defences. They have requested developer contributions towards the ongoing management costs of the flood defence scheme and towards the flood warning service. Based on the development, they have requested a figure of £35,000 (£5,000 per property) as a contribution towards management of the defences and continued operation of the flood warning system. In the absence of contributions, the cost of flood warning would potentially place increased burden on the public purse. It may also place additional burden and risk to life on the emergency services and/or any rescuers. Whilst the applicant does rebut the comments of the Environment Agency after previously being content with the arrangement (see letter from Agent dated 17 July 2025), the Environment Agency have sought to justify why the contributions are required. To that effect, developer contributions total £35,000 (£5,000 per dwelling) are necessary to be secured by Section 106 planning obligation agreement.

Other considerations

7.145 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. 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. Notwithstanding the sustainable location of the development, thus reducing the need to travel to nearby services and facilities by other means than simply privatised transportation, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the NPPF). Electric vehicle charging points as well as the orientation of the plots and thermal efficiency have been considered. The proposed building has been sensitively oriented where possible in order to maximise exposure to solar gain. Similarly, in line with modern construction techniques, the buildings will benefit from energy efficient heating systems and thermally efficient materials. In terms of heat recovery, this will be utilised to preclude the need for triple ventilated windows. The proposals accord with aforementioned policies which is consistent with the NPPF.

7.146 In accordance with the adopted MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. The matter in this instance can reasonably be dealt with by way of a relevant pre-commencement condition which is proportionate to the nature of the proposal namely waste prevention and management measures to be implemented.

- 7.147 Policies OS1 and OS2 of the CS 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 no requirement to provide on-site play and open space provision. Officers are also mindful of the very close proximity of Bishops Meadow Recreational Grounds which ensure that future occupiers have good connectivity with public open space, play provision, and green infrastructure enhancements.
- 7.148 With regard to the comments of the Waste Transportation Team, the agent has advised that in responding to the aspect, at present, a bin lorry cannot access the rear of the existing properties of Prospect Place. As such, waste collections are currently made from the parking/turning area immediately south of the application site at the end of the access road. This is a long-standing arrangement and the proposed bin store is provided so as to allow easy collection of waste from the proposed townhouses. Noting the specifications set out in the Waste Transformation consultation response, officers are content that it will be safe for collections to be made from this site with little change to the existing waste collection routine. Such arrangements can be controlled by condition with further precise arrangements confirmed prior to first occupation.
- 7.149 During consideration of the application, amended plans and additional/updated supporting documents have been submitted. Re-consultation of amended plans and additional/updated supporting documents has taken place during July and August 2025, and subsequently in November 2025. This has included the display of additional site notices surrounding the site in addition to initial consultation undertaken in March and April 2023, which included publication of the application in the local press in March 2023 and July 2025 (due to heritage sensitivities of the site). The Local Planning Authority has fulfilled publicity requirements for this application.
- 7.150 Impacts on private rights of way/access, damage to property, loss of property value and applicant motives are not material planning considerations.
- 7.151 A letter of representation received on 25 November 2025 has sought to challenge the ownership of the alleyway access from the gateway of the existing parking area and St. Martins Avenue stating that part of the alleyway is unregistered on Land Registry. The application form confirms that the applicant has signed Ownership Certificate A largely on the grounds that no development is being proposed in the alleyway although from a procedural standpoint, the application red line needs to be drawn to the nearest public highway, this being St Martins Avenue. It points to the need for Certificate D to be completed by the applicant to ensure a determination of the application. Further to engagement with colleagues in Legal, this situation does not prevent the Committee from being able to make a resolution as the matter is procedural but the recommendation is revised to require the applicant to show evidence that Certificate D has been completed including notice in the local press and that the Local Planning Authority also re-consults before any decision is issued.
- 7.152 The same letter of representation has also challenged the applicant not serving notice on the Local Highway Authority given the works proposed to improving the footway. The Local Highway Authority are a statutory consultee and have not been prejudiced by the application appreciating that they have been consulted at least twice and are fully aware of the proposals.

8. Summary/Planning Balance and Conclusion

- 8.1 The CS under Policy SS1 and Paragraph 11 of the NPPF both apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental. Having regard to the Council's current housing land supply position, Paragraph 11d must be applied, appreciating that there are no material considerations which would indicate otherwise. Whilst it is duly acknowledged that a previous planning application in 2007 was refused on the grounds of the intensification of the substandard access and the fact that the site falls within a flood 3 zone

and the sequential test had not been undertaken, there has been a change in the adopted Development Plan (namely the CS), policy guidance (including the NPPF) and case law.

8.2 Turning to Paragraph 11di, the area or assets of particular importance to this application are habitats sites, noting the site lies within the Wye catchment of the River Wye SAC; designated heritage assets and areas at risk of flooding. Considering each of these in turn:

- The application has been reviewed by the Council's Ecologist who views that the nature of the proposal would have no likely significant effects upon the Wye hydrological catchment of the River Wye SAC. A Habitats Regulation Assessment – Appropriate Assessment has been completed and sent for review by Natural England. Natural England concur with the Council's findings and suggested mitigation and that Paragraph 195 of the NPPF is not engaged.
- Whilst the comments of Historic England and the Council's Principal Building Conservation Officer are noted, it is viewed by your officer that these comments do not amount to a strong reason for refusing the development proposed. In reaching a view, the officer has clearly identified that the only harm in relation to designated heritage assets (both above and below ground) is in relation to the Hereford Central Conservation Area, Scheduled Monuments and the Hereford Area of Archaeological Interest where a medium level of 'less than substantial harm' has been identified. Your officer has clearly undertaken the 'public benefits' test, as required by Paragraph 215 of the NPPF and finds that the proposal meets this.
- With regards to flood risk, officers have very carefully scrutinised supporting documents and have asked the applicant to update supporting information, particularly in relation to the sequential and exception tests pertaining to flood risk following updates to NPPG earlier this year. As a result of this and exhausting all 'reasonably available' sites, as well as taking advice in noting the lack of objection raised by both the Environmental Agency and the Council's Land Drainage Engineer, the latter in their role as the Lead Local Flood Authority, officers are confident that the proposal has clearly met both elements of the exception test and that officers are satisfied for development to be permitted in terms of flood risk. Indeed, it is particularly appreciated that without this updated level of supporting information, officer recommendation would clearly otherwise not be positive on this particular point.

8.3 As such and following the updated level of supporting information, it is viewed that Paragraph 11di of the NPPF is not considered to be engaged.

8.4 Turning to 11dii, a summary of the benefits and harms of the scheme is laid out below. The proposal would lead to the following positive economic, environmental and social effects:

- A modest contribution of 7 dwellings towards the Councils' housing land supply position;
- Development which conserves designated heritage assets both above and below ground;
- Future occupiers having availability of active travel options to access nearby services and facilities, without total reliance on privatised transportation;
- Directing residential development to a sustainable location;
- Increased spending within the local economy to help boost activity and support local jobs and businesses throughout the city and surrounding hinterlands post-occupation;
- Construction activity and jobs for possible local tradespersons during the relevant phase;
- A proposed drainage arrangement that would not undermine the integrity of the River Wye SAC, with improved water efficiency;
- Proposed housing type and housing mix which can help diversify the housing market and increase consumer choice;
- Housing which can support social networks, such as either starter homes, supporting city centre living or older people living in an area can downsize;
- Housing built sustainably using recycled and low-carbon materials and use of construction methods that reduce environmental impacts;
- More energy efficient housing, with higher Energy Performance Certificate (EPC) ratings, new homes built in England achieve much higher sustainability credentials, as evidenced through EPC ratings;

- Improved junction arrangement including drop kerbs onto St Martin's Avenue that provides pedestrian connectivity and improved highway and pedestrian safety for residents/visitors;
- Property transactions;
- Habitat and biodiversity enhancement;
- Improved and enhanced landscaping; and
- Additional funding (in the form of council tax) for public services/infrastructure

- 8.5 A medium level of 'less than substantial harm' has been identified to the significance of the Hereford Central Conservation Area, the Scheduled Monuments of Wye Bridge and Row Ditch and the Hereford Area of Archaeological Importance which needs to be acknowledged. Your officer has clearly applied the Paragraph 215 test of the NPPF and considers the 'public benefits' of the proposal outweigh this identified harm. Some level of harm is also found in terms of displaced parking for existing residents although in light of the lack of objection received by the LHA and adequate mitigation provided by existing spaces that are available on the street appreciating the shift in emphasis of planning policy to promote alternative forms of travel to the car, the highly accessible site location and the nature of the scheme for small units.
- 8.6 The benefits of course need to be weighed against the harms identified and whether the harm amount to a level which significantly and demonstrably outweigh the benefits appreciating the need to apply the 'tilted balance' which Paragraph 11d requires decision-makers to apply. In favour, clearly directing development to a sustainable location, making effective use of land and achieving well-designed places, which are all key facets of Paragraph 11dii, are acknowledged. This however needs to be weighed up against conserving and enhancing assets of social and environmental value, including that of conserving and enhancing the natural and historic environment (designated heritage assets both above and below ground) and the sensitive nature of the site in terms of flood risk and townscape which inevitably has altered the design approach adopted and does change how development would appear, including impacts upon character and appearance of the area. The point on displaced parking also needs factoring in.
- 8.7 Clearly, this application presents an incredibly fine balance. Appreciating that flood risk matters have now been addressed to the confidence and satisfaction of officers that there are no 'reasonably available' sites; and the lack of objection raised by Land Drainage, the Environment Agency and the LHA, it is viewed that the adverse impacts, taken together, would not amount to a level of harm which significantly and demonstrably outweighs the benefits. This is when assessed against the policies in the NPPF 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. Appropriate weight has been factored into all technical considerations, particularly appreciating that there are a number of considerations where a subjective assessment needs to be applied e.g. residential amenity and appreciating that site-specific constraints have been addressed to the satisfaction of officers in terms of policy requirements where possible. However, the tilted balance of Paragraph 11d must be applied appropriately.
- 8.8 It does remain outstanding that a Section 106 Agreement is required to secure the necessary contributions towards flood risk infrastructure and management costs which is proportionate to the increased burden on the flood warning system for the lifetime of the development, if the development were to be permitted. The obligation is required to make the development acceptable in planning terms as, in the view of your officer and the comments of the Environment Agency, recommending a condition would not be an acceptable approach to take. Without such an agreement and based on the assessment above, it is inherently likely an alternative recommendation would otherwise be reached. The most recent comments of the Environment Agency reaffirm this approach which should be taken and that officers are not persuaded by the applicants' assertion that they should be absolved from doing so.

- 8.9 Accordingly, subject to the completion of the Section 106 Agreement and that no new material planning considerations arise which may otherwise lead to a revised recommendation during completion of this, planning permission should be granted. This is encapsulated in the recommendation below. However, if the resolution is to resolve to refuse planning permission, then it is strongly advised that the lack of the completed Section 106 planning obligation agreement to secure financial contributions towards the management costs of flood risk infrastructure is included in any resolution as a reason for refusal. This would enable the matter to be discussed during the course of any appeal, if one was made to the Planning Inspectorate.
- 8.10 Furthermore, in the event that if committee resolve to refuse planning permission, the matter of the Ownership Certificate will need to be resolved before any decision is issued.

RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary by officers, subject to:

- i) the completion of a Section 106 Town & Country Planning Act 1990 planning obligation agreement to secure financial contributions towards the management costs of flood risk infrastructure as operated by the Environment Agency (with draft agreement to be published for a minimum of 10 working days prior to determination of the application);
- ii) the completion of Ownership Certificate D including Notice under the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Notice Under Article 13 of Application for Planning Permission' and re-consultation of the revised Ownership Certificate following this being submitted by the applicant;
- iii) no new material planning considerations arising which may otherwise lead to a revised officer recommendation

CONDITIONS

Standard Conditions

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

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

2. The development shall be carried out strictly in accordance with the approved plans, 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.

Pre-Commencement Conditions

3. The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement will provide for financial contributions to be paid to the local planning authority in accordance with the draft Heads of Terms attached.

Reason: In order to provide financial contributions towards the management costs of flood risk infrastructure as operated by the Environment Agency in accordance with Policy ID1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. No other works shall take place until a full archaeological excavation of the application site is undertaken and completed, or area thereof as otherwise agreed in writing by the local planning authority. This excavation shall be in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority before any archaeological excavation of the site commences.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. With the strict exception of works as explicitly set out in Condition 4, no other works shall commence until a Construction Method Statement (CMS) is submitted to and approved in writing by the Local Planning Authority, setting out how noise and nuisance to neighbours will be minimised.

The CMS shall contain the following (as a minimum):

- The methods and materials to be used to ensure that the generation of noise is minimised;
- choice of plant and equipment to be used;
- hours of working;
- the use of prefabricated materials wherever possible.
- Regarding optimum site layout, noise generating activities to be located away from sensitive receptors.
- Good housekeeping and management, to include:
 - Review of plant and activities to ensure noise minimisation measures are in place and operating;
 - Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
 - Controlling of site traffic;
 - Provision of noise monitoring during activities likely to affect sensitive receptors;
 - Dust mitigation measures.

Development shall subsequently be carried out in accordance with the approved CMS and be maintained throughout the construction phase of the approved development until completed is completed.

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

6. With the strict exception of works as explicitly set out in Condition 4, no other works shall commence until the details and location of the following have been submitted to and approved in writing by the local planning authority.

- A method for ensuring mud is not deposited onto the Public Highway;
- Construction traffic access location;
- Parking for site operatives and deliveries;
- Where delivered materials will be stored;

- Construction Traffic Management Plan (CTMP);
- A site waste prevention and management plan; and
- Siting of any site office, compound and storage area.

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

Reason: In the interests of highway safety, to protect the amenity of nearby occupiers and the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the adopted Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

7. With the strict exception of works as explicitly set out in Condition 4, no other works, including site clearance or demolition shall begin; or equipment and materials are moved onto site, until a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be submitted to and approved in writing by the local planning authority. The ecological working measures section shall be based on an ecological assessment no more than six months old.

The approved CEMP shall be implemented and remain in place throughout the construction phase until all works are complete on site and all equipment and spare materials have finally been removed.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

8. Notwithstanding the details which have been provided to date and with the strict exception of works as explicitly set out in Condition 4, no other works, including site clearance or demolition shall begin until a tree protection plan in accordance with BS5837:2012 is submitted to and approved in writing by the local planning authority.

The tree protection plan shall accurately identify the precise position of all trees on site including the extent of tree canopy cover and their precise positions in the context of the approved site layout.

The approved details shall thereafter be implemented and maintained for the duration of the construction phase until all works are complete on site and all equipment and spare materials have finally been removed.

Reason: To safeguard all retained trees during development works 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.

Relevant Commencement and/or Pre-Occupancy Conditions

9. Development shall not begin in relation to any of the highways works until details of the proposed positioning bollards at the back of the footway and widening the footway on St

Martins Place 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 continued safe passage and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

10. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 working days written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. Prior to relevant works commencing in relation to drainage, a detailed scheme and design for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be managed shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the approved plans and additional supporting documents (the Flood Risk Assessment dated 10 December 2019 (Ref: RAB2220L Version 2.0) & Percolation Testing Results as received on 17 July 2025)) and the following additional details:

- Submission of revised soakaway sizing calculations. These should confirm the proposed impermeable site area, and must be informed by the appropriate climate change allowance;
- Submission of a drainage layout drawing to indicate the proposed surface water and foul water pipe layout and foul water connection point to the public sewer system. This should confirm the proposed soakaway volume and drainage arrangements for the hardstanding areas; and
- Confirmation of the proposed adoption and maintenance arrangements for the surface water drainage system.

The approved drainage strategy and detailed design shall be installed, completed and operational prior to the first occupation of any dwellinghouse hereby approved and shall be maintained as such thereafter for the lifetime of the development in accordance with the strategy.

Reason: To allow the local planning authority to accurately assess the design particulars to ensure the proposed drainage strategy is compliant with approved design guidance and British Standards and to accord with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework.

12. With the exception of any site clearance and groundwork, prior to works progressing beyond damp course proof level, details of the following matters, as specified below, shall be submitted to and approved in writing by the local planning authority:
- A sample of the type of roof slate proposed;
 - A sample of the type of brick proposed;
 - A sample panel of brickwork;

- The face bond of brickwork;
- Description of the joints proposed;
- Mortar mix, profile and finish.

Development shall be carried out in accordance with the approved details.

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

13. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings, and including depth from edge of external brickface;
- Method & type of glazing;
- Colour Scheme/Surface Finish; and
- Details of eaves boards

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

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

14. Prior to the first occupation of any dwellinghouse to which this permission relates an area for car parking shall be laid out within the application site, in accordance with the approved plans which shall be properly consolidated, surfaced and drained. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

15. Notwithstanding the details which have been provided to date on the approved plans, prior to first occupation of the approved development, an enhanced landscaping scheme shall be submitted to and approved in writing by the local planning authority.

The landscaping scheme shall include a scaled plan identifying:

- a) All proposed new planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details, to include how they will be planted and protected and the proposed time of planting; and
- b) All proposed hardstanding, paving and boundary treatments.

The approved details shall subsequently be implemented as follows in accordance with the following timescales:

- All new soft landscaping boundary treatment planting shall be carried out in the first planting season following the approval of the landscaping details, .
- All hard landscaping shall be completed prior to first occupation of the meeting house and car park extension.

- All other planting, seeding or turf laying in the approved landscaping scheme, unless otherwise specified above, shall be carried out in the first planting season following the occupation of the replacement meeting house or the completion of the development, whichever is the sooner.

All tree planting shall also be in accordance with BS 8545: Trees from nursery to independence within the landscape.

Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plans.

Reason: Having regard to the submitted details to date, an enhanced landscaping scheme is necessary to safeguard and enhance the landscape character and visual amenity of the area including streetscene. Additionally, the condition is to ensure implementation of the subsequently approved landscape scheme in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. Before the development is first occupied or soft landscaping is carried out, whichever is sooner, a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority.

Maintenance shall be carried out in accordance with the approved schedule.

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

17. Prior to first occupation of the approved development, a Flood Evacuation Management Plan (FEMP) shall be submitted to and approved in writing by the local planning authority. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff, and method and procedures for times evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revisions of the Plan.

The approved details shall thereafter be implemented and maintained for the lifetime of the development.

Reason: To minimise the flood related danger to people in the flood risk area to enable safe occupation, adequate flood warning as necessary to be available to people occupying the development and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Prior to first occupation of the approved development, evidence such as photographs or ecologists report shall be submitted to and acknowledged in writing by the local authority evidencing the suitably placed installation of a minimum of one swift nesting box at roof level (alternate east and west elevations) on each dwellinghouse hereby permitted.

The installed nesting features shall hereafter 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 LD1, LD2 and LD3.

19. Prior to the first occupation of the approved development, a final report on the archaeological excavation of the site shall be submitted to the Local Planning Authority for written approval.

The report shall include a summary of the findings, to enable archiving of the material and written archive produced by the excavation.

Reason: To allow the potential archaeological interest of the site to be recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. Prior to the first occupation of development, the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be provided in accordance with the details shown on Project 16-003 Drawing Number 02 dated 9 April 2024 (Proposed Site Layout and Access Details)

Any alternative recycling and refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwellinghouse.

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

21. 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 (or successor policy) shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented as approved.

Reason: To promote water conservation measures and ensure compliance with Policies SS7 and SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

22. Prior to the first occupation of the development hereby permitted, the cycle parking facilities shall be carried out in strict accordance with the approved details, as shown on Project 16-003 Drawing Number 03 dated 9 April 2024 (Floor Plans), 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.

Post Occupancy Monitoring and Management Conditions

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no habitable accommodation provided on the ground floor of any of the dwellings as on (Project 16-003 Drawing Number 03 dated 9 April 2024 – Floor Plans) and in accordance with the Flood Risk Assessment dated 10

December 2019 (Ref: RAB2220L Version 2.0) unless otherwise agreed in writing by the LPA in consultation with the Environment Agency.

Reason: To protect future occupiers from flood risk for the lifetime of the development and to accord with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

24. At no time shall any surface water and/or land drainage 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. To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

25. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D 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, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

26. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

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

27. Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to the local mains sewer system managed by Welsh Water through their Eign (Hereford) Waste Water Treatment Works. The foul water system shall hereafter be managed and maintained as approved.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

28. Unless otherwise approved in writing by the planning authority all surface water flows from the development permitted under this permission shall discharge to a Sustainable Drainage Scheme as detailed in the surface water drainage report ref SS-22-5557 dated October 2022 by Sutton Surveys. The surface water system shall hereafter be managed and maintained as approved. No surface water shall be discharged to local main sewer at any time.

Reason: In order to ensure there are no effects on the River Wye SAC (SSSI) and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

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

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

30. Floor levels shall be set no lower than 53.24 metres above ordnance datum.

Reason: To protect the development from flood risk, ensuring floor levels are set at least 600mm above the 1% plus climate change flood level as identified in the Flood Risk Assessment dated 10 December 2019 (Ref: RAB2220L Version 2.0) and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant and future occupiers should contact 08708 506506 to be set up on the Environment Agency's flood warning system. In preparing the flood evacuation management plan the applicant should have note to the Flood Risk Assessment. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.
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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any

required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

4. The proposed development site is crossed by a 150mm public combined sewer. No operational development is to take place within 3 metres either side of the centreline of the sewer. Prior to commencing any operational development, the location of this asset should be determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact Dwr Cymru Welsh Water. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. The applicant should therefore be aware of Welsh Water's Conditions For Development Near Water Mains.
5. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under Section 106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on 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 in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.
6. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).
7. The applicant is advised that the existing building (marked as 'B1 on the ecological survey), is considered to be a curtilage listed building and that listed building consent is required before any works commence. Listed Building Consent is required for the demolition of a listed building or the carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed is a criminal offence. Planning (Listed Building & Conservation Areas) Act 1990
8. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
9. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty Living Places (Managing

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, 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 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 845900.

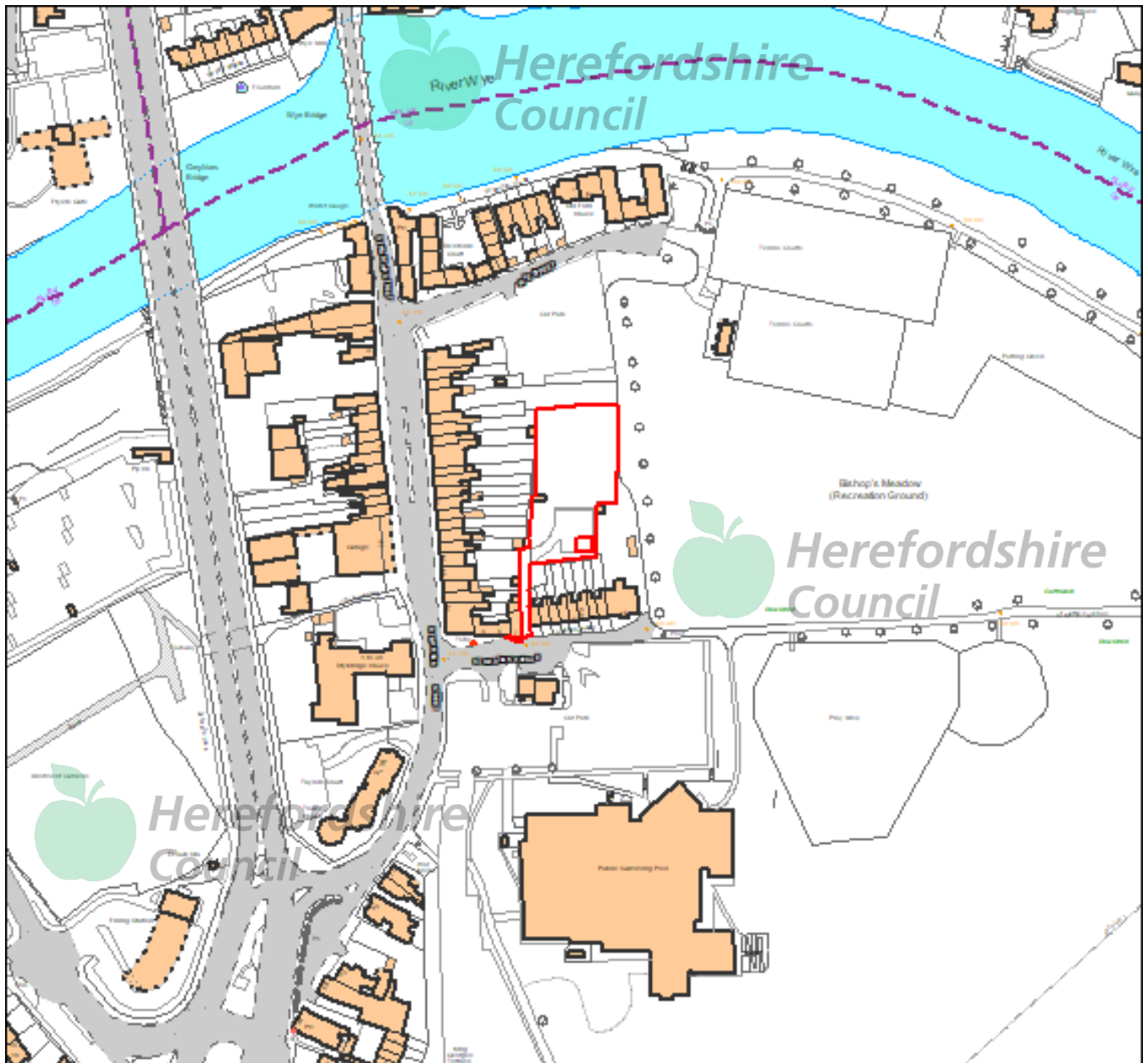
10. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. 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 845900.
11. 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
12. 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.
13. 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.
14. The site is within an Area of Archaeological Importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of this are that notice is required of any proposed operations which will disturb the ground. An Operations Notice and accompanying Certificate should be served on Herefordshire Council prior to the commencement of such operations and a Section 35 Notification is additionally required under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act.

Decision:

Notes:

Background Papers

None identified.



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APPLICATION NO: 230432

SITE ADDRESS : LAND TO THE REAR OF PROSPECT PLACE, ST MARTINS AVENUE, HEREFORD

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 DECEMBER 2025
TITLE OF REPORT:	240309 - THE PROPOSED ERECTION OF 2 NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING AND DRAINAGE AT LAND NORTH OF LEYS HILL, BISHOPSWOOD, ROSS-ON-WYE For: Thomas per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=240309
Reason Application submitted to Committee - Redirection	

Date Received: 1 February 2024 Ward: Kerne Bridge Grid Ref: 358716,218947
Expiry Date: 15 December 2024 (with agreed extension of time)

Local Members: Cllr S Cole

1. Site Description and Proposal

- 1.1 The application site is located to the northwest of Bishopswood, a small rural settlement positioned to the east of Goodrich, within the Wye Valley National Landscape (formerly the Wye Valley Area of Outstanding Natural Beauty).
- 1.2 Bishopswood is categorised as a settlement within the Herefordshire Local Plan – Core Strategy and is identified for proportionate growth under Figure 4.15 of Policy RA2. While Bishopswood is recognised as capable of accommodating modest levels of new housing, the settlement currently benefits from only a limited range of services and facilities. There is no public house, primary school or retail provision within the village, and residents rely on nearby settlements, including Goodrich and Ross-on-Wye, for access to day-to-day services and employment opportunities.
- 1.3 The application site is situated to the north of the U70408, a narrow rural lane measuring approximately 3.4 metres in width at the point of access adjoining the southern boundary of the site. The immediate area is characterised by sporadic residential development interspersed with areas of mature woodland and agricultural land. There are no formal pedestrian linkages or footways leading to or from the site, which remains visually contained within the wider rural landscape.
- 1.4 The application site comprises a gently curving parcel of land extending approximately 140 metres in length, which slopes steeply to the southwest, with a level difference of around 15 metres between the highest and lowest points. The site is defined by established tree belts and mature vegetation along the northern, western, and southern boundaries, providing natural

Further information on the subject of this report is available from Mr Simon Withers

screening and contributing to the visual integration of the site within its rural setting. A small agricultural gate provides vehicular access from the southern boundary onto the U70408.

- 1.5 The site forms part of the wider Wye Valley National Landscape, which is recognised for its scenic quality, ecological value, and cultural heritage.
- 1.6 The site is identified as an allocated housing site under Policies WALF19 and WALF21a of the Walford Neighbourhood Development Plan (NDP), which was made on 13 June 2023. The NDP supports the principle of limited residential growth within Bishopswood to meet local housing needs, provided that proposals demonstrate a high standard of design, safeguard landscape character, and contribute positively to the village's spatial pattern and setting.
- 1.7 The application seeks full planning permission for the construction of two detached dwellings with associated vehicular access, car parking, landscaping, and drainage infrastructure. The design approach responds to the site's topography and mixed local vernacular character.
- 1.8 Unit A comprises a four-bedroom detached dwelling measuring approximately 16 metres in width and 8.5 metres in depth, with a ridge height of 7.2 metres. Owing to the sloping nature of the site, a level base will be required, incorporating a maximum retaining height of 1.75 metres to ensure structural stability and suitable siting. The proposal is detailed on drawings ES085 P(0)003C and ES085 P(0)002C.
- 1.9 Unit B is also a four-bedroom detached dwelling, measuring approximately 16 metres in width and 8.67 metres in depth, with a ridge height of 7.09 metres. To address the site gradient, a stepped foundation is proposed with a maximum height of 1.63 metres. This unit is shown on drawings ES085 P(0)005C and ES085 P(0)004C.
- 1.10 A surface water drainage basin is proposed to the southwest of the application site, designed to manage run-off in accordance with sustainable drainage principles (SuDS) and to mitigate potential downstream flood risk.
- 1.11 Unit A is positioned approximately 9 metres from the northern boundary and 24 metres from the eastern boundary, which adjoins the neighbouring dwelling known as Sunnyside.

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
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management Highway Safety & Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD2 - Renewable and Low Carbon Energy
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

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

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

2.2 Walford Neighbourhood Development Plan (NDP)

<https://www.herefordshire.gov.uk/directory-record/3112/walford-neighbourhood-development-plan>

Policy WALF1: Promoting Sustainable Development
Policy WALF2: Development Strategy
Policy WALF4: Conserving the Landscape and Scenic Beauty of the Parish
Policy WALF6: Enhancement of the Natural Environment
Policy WALF8: Wastewater Drainage
Policy WALF10: Sustainable Design
Policy WALF12: Highway Design Requirements
Policy WALF17: Design and Appearance
Policy WALF19: Housing Development in Bishopswood
Policy WALF21: Proposed Housing Sites

2.3 National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Section 2	–	Achieving sustainable development
Section 4	–	Decision Making
Section 5	–	Delivering a sufficient supply of homes
Section 9	–	Promoting sustainable transport
Section 11	–	Making effective use of land
Section 12	–	Achieving well-designed places
Section 15	–	Conserving and enhancing the natural environment

2.4 Wye Valley AONB Management Plan

<https://www.wyevalley-nl.org.uk/wp-content/uploads/Wye-Valley-AONB-Management-Plan-2021-26- finalised.pdf>

Wv-D2: Design, Materials and Energy Efficiency
WV-T2- Transport Infrastructure and Traffic Management

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

3. Planning History

No relevant planning history identified on site

4. Consultation Summary

Statutory Consultations

4.1 Forestry Commission (23 February 2024)

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

Subsequent Enforcement Notices may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.

4.2 **Welsh Water (27 February 2024)**

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

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.

4.3 **Natural England (07 March 2024)**

NO OBJECTION

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

Internal Council Consultations

4.4 **Area Engineer Team Leader**

29 February 2024

The local highways authority has considered the submitted documents and drawings in relation to the erection of 2 dwellings and associated works including access.

For the local highways authority to make a considered response to the application we will require some further information. Can the applicant please provide information on how visibility splays for the access to the dwellings are going to be achieved as this is not referenced in the supporting documents.

20 May 2025

The local highways authority has considered the application and the amended visibility splay drawings submitted and makes the following comments.

It is proposed that the existing agricultural access is to be used for the access to the two properties. The visibility splays as demonstrated in drawing ES085P(0)001C would be acceptable for the speed of the local highway.

The proposed 2 no. 4 bedroom dwellings would lead to an increase in the use of the local highways network but this would not be deemed severe and the local highways network would have sufficient capacity for the likely increase.

The LHA has no objections to the application with the following conditions attached should permission be granted.

4.5 **Ecology**

15 February 2024

Notes in respect of Habitat Regulation Assessment

The site is within the River Wye SAC catchment. This 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.

The site is also within the HRA trigger buffer for the Wye Valley Woodlands SAC (Horseshoe bat species as an associated species).

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 River Wye SAC & Wye Valley Woodlands SAC

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

The completed HRA Appropriate Assessment should be sent to Natural England for their formal comments PRIOR to any final grant of planning permission.

Relevant conditions:

Habitat Regulations (River Wye SAC) – Foul and Surface Water

As detailed in supplied plans and reports all foul water shall discharge to a new Graf one2clean private foul water system (Package Treatment Plant) discharging to a suitable soakaway drainage field on land under the applicant's ownership and all additional surface water shall be managed by appropriate sustainable drainage systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended) National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD3, SD4 and LD2

Construction Environmental Management Plan

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

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

Notes in respect of Ecology

The proposed site is within the Wye Valley AONB/National Landscapes, less than 400 m from the River Wye SSSI/SAC, and within the Bat Core Sustenance area for the Wye Valley Woodlands SAC. Neighbouring the development is also areas of Ancient Woodlands and a non-designated Local Nature Reserve.

Based on the Phase One Habitat Survey and Bat Survey by Ecology Services dated January 2024, the proposed site is made up of poor agricultural grassland, hedgerows on site are ornamental as part of a neighbouring garden (eastern boundary) or overgrown, the hedgerows will be kept as part of the development.

The survey provided does not make reference of the Wye Valley Woodlands SAC, which is found less than 3 km south of the development, this was likely missed as the HBRC records that were requested by the ecologist only looked at designated sites within 1 km of the development (appendix 2). The Bat survey evidences that the site is used by bats for foraging and there was a single Horseshoe bat recorded on the south western corner, with further multiple records by the Anabat recorders. Only parts of the southern edge of the development are used for foraging therefore we have no further ecology comments and the LPA has no reason to request any further ecological assessment in respect of this specific application. We request the following conditions:

Ecological Protection (including Protected Species)

The recommendations in the Phase One Habitat Survey and Bat Survey by Ecology Services dated January 2024 in respect of ecological interests on the site, biodiversity net gain and habitat enhancement recommendations, including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England to be obtained prior to approved demolition works commencing, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

Protected Species and Dark Skies (external illumination)

No external lighting, including no driveway illumination, 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 10 minutes. 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.

4.6 Public Rights of Way Officer

8 February 2024

No Objection

4.7 Tree Officer

29 May 2025

I have reviewed the submitted amended site layout (Errand_ES085_P (0)001C_Rev C_17.02.25) and the AIA/TPP (HEC_240309/F) and have the following comments.

The access in to the site has been re-located slightly to the west and away from the retained moderate quality Sycamore tree T1 within the south-eastern section of the site. This is positive

and agree that if part of the existing access well compacted access is utilised, impacts to the underlying roots of this tree will be minimal. Any sectional hedgerow removal will be mitigated by new native hedgerow planting.

The AIA provides adequate information to ensure potential impacts to retained trees will be addressed and considered during the construction phase of the project. As the trees are located around the margin of the site, these can easily be protected if tree protection fencing is installed before works commence.

The drainage basin is shown to be positioned outside the RPAs of adjacent trees (i.e. T4 and T5) and therefore its installation will have no impact on these trees.

New tree planting appears to be good but I will concur with the landscape officer once they have reviewed the landscape scheme.

I consider that this information is adequate to address the previous comments regarding trees from Mandy Neill (Senior Landscape Officer) – 28.02.25.

I therefore have no objection to the proposals from an arboricultural perspective as long as a planning condition is imposed to ensure compliance with the submitted AIA/TPP report.

Condition:

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: H.E.C, Arboricultural Impact Assessment and Tree Protection plan (240309/F).

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

4.8 **Landscape Officer**

28 February 2024

The site was visited 22nd February 2024. The site falls within the Wye Valley Area of Outstanding Natural Beauty.

The landscape character type is Wooded Sandstone Hills, as set out in the Herefordshire Landscape Character Assessment 2023 (see link at end of comments). This supersedes the 2009 assessment that is referred to in the submitted Landscape and Visual Appraisal. It is noted that the site is allocated for housing in the Neighbourhood Development Plan.

The submitted Landscape and Visual Appraisal, including the landscape scheme in the appendix, are welcome features of the application. I have, however, a couple of outstanding questions and concerns:

- Vehicle access – There is no detailed drawing for the vehicle access, showing the full extent of hedgerow removal required for the visibility splay or the full extent of earthworks to create a suitable gradient. The extent of this works could have a far larger character and visual impact than currently set out and therefore should form an essential detail of the application and not wait to be considered at a later stage.
- Tree and hedgerow protection – There is a mature oak tree on the southern site boundary, which should be subject to a tree survey in accordance with BS5837, particularly to ensure its protection in relation to the extent of works to the vehicle access. A drawing should also

be provided to protect all the boundary trees from earthworks within their root protection zones.

- Drainage basin – The gradients, depth and design does not seem to have been detailed. The extent currently shown seems to restrict maintenance access to the south west corner of the site. Would there be any permanent water and would it be suitable for wetland planting. Would the whole basin and orchard be conveyed to plot B to be maintained?
- Levels – The section drawings B-B and C-C do not show the existing ground levels.

It is requested that these points are considered further prior to a decision being made, as they relate to Core Strategy Policy LD1 where development proposals should conserve and enhance the natural and scenic beauty of important landscapes and to ensure that new development integrates appropriately into its surroundings.

11 June 2025

I have reviewed the amended drawings. I welcome the reduction in size of the dwellings, particularly unit B. I remain concerned, however, that the dwellings will be perceived in the area as being three storey and that their mass will be considerably larger than other properties in the surrounding area.

I welcome the submission of a tree survey and concur with the Tree Officer's comments in relation to suitable protection of boundary trees.

In relation to the drainage basin, I note the drainage consultation response requesting consideration of a below ground surface water drainage system. Any changes to this should therefore be reflected in the proposed site layout plan and inclusion of more tree planting may therefore be possible.

It is noted that the submitted LVA finds that there will be adverse visual impacts for residential receptors, road users and recreational users when within close proximity to the site. While the LVA finds that these are not substantial effects, I disagree that the mitigation planting will reduce the effect to minor and that they will remain major-moderate adverse effects. This is due to the minimal amount of new planting shown, merely a new hedgerow between the two properties and along the new drive, together with some scattered tree planting. The small size of fruit trees planted in the lowest corner of the site will have very little effect on views of the large new dwellings. More could be done to provide planting on the slopes close to the houses to soften the built form.

Overall it is considered that the site could accommodate two new dwellings to compliment the linear settlement pattern along Leys Hill and that the material colours selected will help them integrate with the surrounding landscape. However the dwellings will stand out as a negative feature due to their height and mass, extent of glazing and solar panels and engineering works to the external steps and driveway. The elevated ground levels of the site would exacerbate the prominence and incongruity of the proposed development in surrounding views.

04 November 2025

I have reviewed the revised drawings. I welcome the further reduction in size of the buildings and the removal of parking at the lower level. Unfortunately the alteration in parking layout now means that cars and the driveway construction go much further up the hillside, together with their increased impact of movement, headlights, noise and colour.

The landscape scheme has not been updated to show any change or re-design of the drainage basin to better fit with the site or new planting along the base of the buildings or further around the higher levels of the site to soften the built form. If the application were to be approved, it would be preferable for an updated scheme to be provided, to include for example, a small coppice of

mixed tree species along the eastern boundary / south eastern corner, additional roadside planting and laying of the hedgerows to improve their density and longevity. Details of maintenance of the fruit trees should be provided, also specifying who will be responsible for the site wide landscape maintenance.

These comments are provided in accordance with Core Strategy LD1 on landscape character, protection of designated landscapes and landscape schemes.

4.9 Land Drainage

We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of the surface water drainage proposals in line with the above advice. Revised supporting sizing calculations and an amended drainage drawing should be submitted for review.
- Clarification whether the Applicant has the land ownership rights/third-party permissions to install the drainage field in the proposed location, outside the red line site boundary. Evidence of this is required

04 November 2025

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded pre-commencement planning condition:

- A revised surface water drainage strategy shall be submitted at DOC stage, subject to approval by the LLFA, which addresses comments and concerns raised by Land Drainage in this response (dated 04/11/2025) regarding the risk of runoff to the adjacent highway posed by a surface-level drainage basin feature currently proposed.

4.10 Minerals and Waste

Thank you for consulting me on the above application. The application site is within an area identified for the safeguarding of minerals due to the presence of a hard rock resource. Given the nature and scale of the development proposed, and the context of the site being an allocation within the NDP, I can confirm that there is no objection to the proposal with regards to the safeguarding of minerals.

5 Representations

5.1 Walford Parish Council

22 February 2024

Walford Parish Council met on 21st February and voted to support the application but commented that there could be significant light pollution from the large number of windows potentially affecting lesser horseshoe bats known to inhabit the area. Council also noted the lack of a transport survey with some concerns over increased traffic particularly exiting the Leys Hill junction with the B4234

22 February 2024

The site is within the NDP but Walford Parish Council (WPC) is concerned about the amount of glazing on the frontage of the properties which could cause light pollution (light spill/trespass) which could affect bats (especially rare Lesser Horseshoe Bats (LHB)). WPC requests the properties have no external lighting and the HC Planning Officer encourages the agent/developer to include no external lighting and for future owners to minimise light spill in the Deed of Conveyance. This has been done in three housing developments within Fownhope which is also in the Wye Valley National Landscape.

WPC noted woodcrete bat boxes are a mitigation for the development but LHBs do not live in bat boxes but hang from rock cervices. WPC also noted the site is next to ancient woodland which was not identified in the applicant's Ecology Report

24 April 2025

Walford Parish Council met on Wednesday 23rd April 2025 and again voted to support the application but noted again significant issues including the amount of glazing in the construction, the issue of increased traffic both on Leys Hill itself as a small road and at the dangerous junction with the B4234, the lack of an ecological survey and the general effect of three storey construction. Several residents attended the meeting to express their opposition to the application, and council were in agreement with their wish to see the application considered by Planning Committee as a contentious application.

5.2 Goodrich and Welsh Bicknor Parish Council

12 March 2024

The parish council was consulted as a neighbouring parish potentially affected by the proposals. The parish council raises the following concerns regarding the application:

- The properties are very large and do not provide for the need for affordable homes for local people.
- The development would result in yet more traffic on a lane and junction that is recognized as being dangerous.
- Planning applications in this area over recent years have resulted in it being saturated with additional or proposed development, but with no suitable upgrade to the road infrastructure to accommodate it.
- The PC agrees with the comments of the Landscape Officer.

5.3 Wye Valley National Landscape Comments

The Wye Valley National Landscape is designated as an Area of Outstanding Natural Beauty (AONB). Paragraph 182 of the National Planning Policy Framework (NPPF) outlines that great weight should be given to the conservation and enhancement of landscape and scenic beauty in AONBs. The conservation and enhancement of wildlife and cultural heritage are also important considerations. The scale and extent of development within designated AONBs should be limited.

The Wye Valley AONB Management Plan 2021–2026 is a statutory plan and a material planning consideration. This site lies within the Wye Gorge Landscape Management Zone (LMZ09) as identified in the Management Plan. It is not within the Walford Lowlands (LMZ08) as stated in the submitted Landscape and Visual Appraisal (LVA, paragraph 4.23). As a result, the LVA omits several key features linked to the Special Qualities (SQs) of the National Landscape.

The relevant key features of LMZ09 are:

- Ancient, semi-natural and mixed broadleaved & coniferous woodland (SQ2, SQ18)
- Ancient and extensive tree cover pattern and skyline (SQ2, SQ11, SQ18)
- Steeply sloping topography (SQ1, SQ11)
- Hedgerow network often with mature trees (SQ5, SQ18)
- Linear settlements bordering valley floors, often at bridging points (SQ20)
- Small clusters of historic squatter settlements on valley sides surrounded by intricate patterns of small fields, drystone walls, narrow lanes, and small deciduous woodlands (SQ4, SQ5, SQ20, SQ22)
- Long panoramic views from high vantage points and medium picturesque views from the valley floor (SQ11)
- Strong sense of place due to distinctive landform, woodland, and river (SQ12, SQ18)

Further information on the subject of this report is available from Mr Simon Withers

Strategic Objective WV-D2 of the Wye Valley AONB Management Plan 2021–2026 seeks to:

Encourage and support high standards of design, materials, energy efficiency, drainage, landscaping, and green infrastructure in all developments, including permitted development, to ensure greater sustainability and decarbonisation, and that they complement, conserve, and enhance the local landscape character and distinctiveness — including scale and setting — and benefit or enhance the natural environment.

Strategic Objective WV-D3 seeks to:

Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA, or Ramsar site, or other sites designated as environmentally important.

Notwithstanding the incorrect LMZ assumption, the LVA is welcomed. However, any adverse effects on the AONB designation must be properly assessed and considered individually, collectively, and cumulatively.

The long panoramic views from high vantage points such as Coppett Hill contribute to the picturesque, extensive, and dramatic views (SQ11) that define the Wye Valley National Landscape. Within this landscape, settlement is scattered and small-scale, typically comprising forestry workers' cottages.

The proposed development, presented as a notable cluster, risks impacting landscape character by compromising the historic scale of the original settlement. We have reservations as to whether this proposal is genuinely landscape-led. Built form in this area is small-scale, with little modern infrastructure; proposals altering this characteristic would conflict with the area's tranquil quality.

The submitted plans show both dwellings as three-storey, with rooflines appearing higher. The site will be visible from multiple viewpoints within the AONB, including Public Rights of Way, access land, and local roads, encompassing popular viewpoints for both residents and visitors.

Vehicular access details are insufficiently shown, particularly regarding hedgerow removal and earthworks needed to achieve visibility splays and appropriate gradients. These matters should not be left to the discharge of conditions stage and must be assessed now.

The design is unprepossessing, and heavily glazed elevations do not reflect local vernacular or respond positively to the protected landscape. A village/street character analysis — examining trees, hedges, walls, and other details — should inform a design code to guide materials, detailing, and overall appearance.

The scale, bulk, massing, and height of the proposed structures are key considerations, yet the submission lacks clarity in parts.

Regarding housing mix, we refer the LPA to our Housing Position Statement, which prioritises affordable housing in the Wye Valley National Landscape. Nationally, developments within protected landscapes are often required to provide 50% affordable housing, and our recommendation is that on-site provision should apply to developments of two dwellings or more.

The proposed dwellings are large, luxury-type houses, and therefore not affordable. The application lacks evidence of a Housing Needs Survey or engagement with local residents on housing needs.

No lighting assessment has been submitted, nor does the application address dark skies or landscape lighting impacts. The applicant should demonstrate compliance with Guidance Note 01/21 – The Reduction of Obtrusive Light (Institution of Lighting Professionals). The relevant environmental zone is E1, applicable to AONB designations. Extensive south-facing glazing will likely result in light spill, detracting from the AONB's character and tranquillity.

The Local Planning Authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. Under the Levelling Up and Regeneration Act (2023):

In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area.

At present, it is unclear whether this proposal has demonstrated that the defining factors of the Wye Valley National Landscape AONB have positively influenced the scale, appearance, layout, and landscaping of the development, particularly in relation to its high ground setting and transition to open countryside.

It appears that this application lacks a joined-up approach.

5.4 A total of 15 representations (from 8 residents) and have been made to the original consultation and further re-consultation

5.5 The comments can be summarised as follows:

- Leys Hill is a narrow single-track lane in poor condition and already struggling with existing traffic volumes.
- The proposed development would significantly increase vehicle movements, including residents' cars, deliveries, visitors, and construction vehicles.
- The Leys Hill–B4234 junction has substandard visibility and steep gradients, already identified as dangerous by Highways in 2016.
- Increased traffic would exacerbate safety risks for walkers, cyclists, horse riders, and wildlife, and damage roadside verges that provide important habitats.
- A Transport Statement and Travel Plan are required under NPPF Chapter 9, as the proposal poses an unacceptable impact on highway safety.
- The site lies within the Wye Valley National Landscape (AONB), which should be protected under NPPF paragraphs 182 and 183.
- The proposed large, three-storey houses are out of character with the surrounding small cottages and would dominate the landscape, harming views, tranquillity, and visual amenity.
- The development represents overdevelopment of a rural, scenic area, contrary to AONB policies seeking to limit scale and extent of development.
- Verges and habitats for species such as slow worms and insects are already being damaged by traffic and parking.
- Further development would reduce green space and harm biodiversity, contrary to the AONB's purpose of conserving natural beauty.
- The proposed drainage strategy is inadequate and may worsen flooding and surface water runoff, impacting local watercourses and woodlands.
- The proposed dwellings are disproportionate in scale and inconsistent with local vernacular.
- Extensive glazing and height would result in light pollution, loss of privacy, and overlooking of neighbouring properties.
- The design is not landscape-led and fails to respond positively to the area's character or topography.
- The development provides large luxury homes, not affordable housing needed locally.

- The site should be considered open countryside, as the Neighbourhood Development Plan (NDP) carries limited weight and the site WALF21a is not allocated in the Herefordshire Local Plan Core Strategy.
- Previous negative pre-application advice for nearby sites should be considered as a material factor.
- Approximately 16 new dwellings are already approved or proposed on Leys Hill — a 50% increase in housing — creating cumulative harm to the landscape, traffic safety, and rural character.
- The overall impact, not just individual applications, should be assessed.
- The proposal causes clear and demonstrable harm to the AONB, highway safety, wildlife, and residential amenity, with no overriding public benefit.
- The adverse impacts outweigh any benefits, and planning permission should be refused.
- Given the scale of objection, the application should be determined by Planning Committee rather than under delegated powers

5.6 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=240309>

5.7 Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context

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) and the made Walford Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

Principle of Development

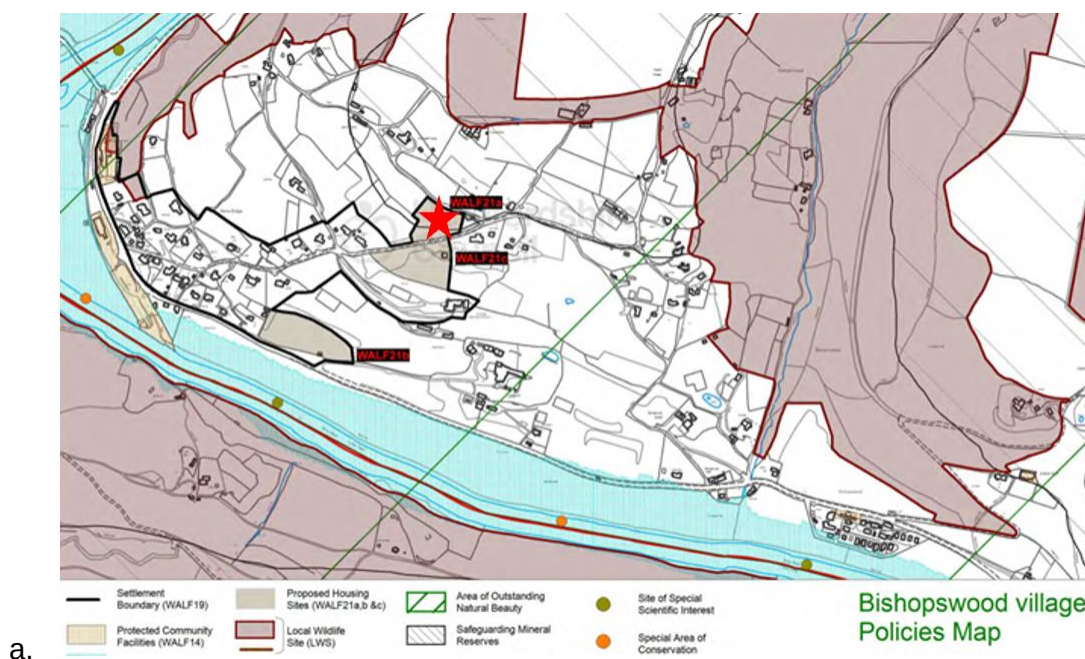
6.3 The relevant policies that apply to the site are primarily from both the CS and the NDP, and they establish a robust policy framework for the development of new residential dwellings within the designated settlement boundaries of the villages identified in the Neighbourhood Area. Specifically, the CS policies SS1, SS2, RA1, RA2, and RA3 are key to this proposal, while NDP policies WALF1, WALF2, WALF19, and WALF21 directly address sustainable growth within the parish, including the proposed development site.

6.4 The key framework set by these policies indicates that there is an in principle support for residential development. The NDP, in particular, recognises the settlement's potential for accommodating proportionate housing growth and aligns with the general strategic objectives outlined in the CS. This development is consistent with the direction provided by both local and strategic policies, facilitating the provision of much-needed housing in this rural part of Herefordshire.

- 6.5 It is important to note that Herefordshire Council is currently facing a significant challenge in meeting its housing targets. Specifically, the Council is unable to demonstrate a five-year supply of deliverable housing sites, as required by the NPPF. The Council's current housing supply is assessed at only 3.11 years, which is below the required five-year threshold. In light of this shortfall, NPPF Paragraph 11 comes into effect, which advocates a presumption in favour of sustainable development. This policy direction means that housing proposals should be granted permission unless they conflict with specific NPPF policies or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This presumption in favour of development applies unless significant harm from the proposal can be proven, which in this case, is not the situation.
- 6.6 Further clarity is provided in NPPF Paragraph 14, which states that the presumption in favour of development will not apply in cases where a proposal conflicts with the neighbourhood plan and where certain conditions are met. One of the conditions is that the neighbourhood plan must have been made within the last five years, which is the case here. The Walford Neighbourhood Development Plan was formally made on 13 June 2023, making it less than five years old and contains allocations to meet housing need and it thus it benefits from the enhanced protection afforded by NPPF Paragraph 14. This means that any proposal which conflicts with the provisions of the NDP would result in significant harm.
- 6.7 That said, in this instance, the principle of development is considered to be in accordance with Policy WALF21 of the NDP, which identifies this site as suitable for residential development. It is recognised that the specific site allocation under Policy WALF21a refers to the construction of three dwellings. However, the current application proposes only two dwellings. This reduction in unit numbers is not regarded as materially harmful to the overall aims of the allocation, particularly when set against the positive delivery of housing in the locality. On the contrary, it is considered to represent a more appropriate and site-responsive form of development, reflecting the physical constraints, including the topography, limited developable area and the need to minimise visual and landscape impacts within the Wye Valley National Landscape. Accordingly, the proposed development is considered to accord with the general intent and policy framework established under Policy WALF21 of the NDP.
- 6.8 In terms of the strategic policies contained within the CS, policy SS1 encourages the presumption in favour of sustainable development, which is consistent with the principles of the NPPF. This policy requires the Council to adopt a positive approach to planning and development, facilitating growth that can contribute to meeting both market and affordable housing needs in the county. Policy SS2 further supports this objective by committing to the delivery of at least 16,500 homes across Herefordshire between 2011 and 2031, aiming to meet the full spectrum of housing demand across the county.
- 6.9 The proposed site is located outside the principal urban centres of Hereford, Ross-on-Wye, Ledbury, Kington, Leominster, and Bromyard, meaning that Policies RA1 and RA2 of the Core Strategy are relevant. Policy RA1 sets a target for the delivery of 5,300 new homes in rural areas by 2031, with the aim of supporting rural economies and improving the sustainability of rural communities. Policy RA2 specifically facilitates sustainable housing growth in or adjacent to designated rural settlements, such as Bishopswood, provided certain criteria are met. These criteria include the site's proximity to the main built-up area of the settlement, the use of suitable brownfield sites where possible, a commitment to high-quality, context-sensitive design, and the delivery of housing that meets the local needs of the community. The proposed development complies with these criteria by offering a residential scheme that will contribute positively to the local housing stock while respecting the character and setting of Bishopswood.
- 6.10 The settlement of Bishopswood, forming part of the Walford Neighbourhood Area, is identified within Figure 4.15 of the CS as a location where proportionate housing growth is considered appropriate in accordance with the county's rural settlement hierarchy. The NDP establishes a defined settlement boundary for Bishopswood, within which new residential development is

supported in principle under Policy WALF19 (Housing Development within Settlement Boundaries).

- 6.11 The application site lies within this designated boundary, thereby confirming that the principle of residential development is acceptable in this location. Furthermore, as referenced above, the site is specifically identified within the housing allocation under Policy WALF21, which reinforces the suitability of the site for such development and provides an additional policy basis in support of the proposal. Collectively, these provisions demonstrate that the site's allocation and location align with both local and neighbourhood planning objectives for delivering proportionate and sustainable housing growth in Bishopswood.



a.

b. Walford Neighbourhood Development Plan: Bishopswood Policy Map

Landscape, Scale, Design, and Appearance

- 6.12 Policy LD1 of the CS is of particular relevance to this proposal. It requires that development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and siting of the scheme. This policy seeks to ensure that new development responds appropriately to its context, conserving and enhancing the intrinsic character and local distinctiveness of the area. The proposed development has therefore been assessed in relation to Policy LD1 to determine the extent to which the scheme's layout, design and form respect the wider landscape setting, particularly given its sensitive location within the Wye Valley National Landscape (Area of Outstanding Natural Beauty).
- 6.13 Policy SD1 of the CS is also directly relevant, as it sets out the design criteria for all new buildings, including garages and other ancillary structures. The policy requires that proposals maintain and enhance local distinctiveness through careful attention to detailing and the use of materials that reflect the character of the surrounding area. Development should also respect the scale, height, proportions and massing of neighbouring buildings to ensure visual harmony and appropriate integration with the existing built environment.
- 6.14 At the neighbourhood plan level, Policy WALF4 of the NDP seeks to promote measures that maintain and reinforce the distinctive landscape character of Walford Parish, particularly within the Wye Valley National Landscape. This policy places a clear emphasis on protecting the qualities that contribute to the scenic and cultural importance of the area. Policy WALF17 further reinforces this by requiring that new dwellings and any extensions or alterations to existing

buildings achieve a high standard of architectural design, incorporating variety and innovation where appropriate, while also respecting local distinctiveness and the traditional qualities that define the settlement and surrounding countryside.

- 6.15 At the national level, the NPPF provides additional guidance on protecting the natural environment. Paragraph 187 outlines how planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. It also emphasises the need to minimise adverse environmental impacts, provide net gains for biodiversity, and ensure that development does not contribute to unacceptable risks arising from soil, air, water or noise pollution, or land instability.
- 6.16 Paragraph 189 of the NPPF gives great weight to the conservation and enhancement of landscape and scenic beauty within National Parks, the Broads and National Landscapes (formerly Areas of Outstanding Natural Beauty). These areas are afforded the highest status of protection in relation to landscape and scenic matters. The paragraph further confirms that the conservation and enhancement of wildlife and cultural heritage are important considerations within these designated landscapes. The policy expectation is that the scale and extent of development should be strictly limited and, where development occurs within their setting, it should be sensitively located and designed to avoid or minimise adverse impacts on the protected area.
- 6.17 Paragraph 190 expands on this principle, confirming that proposals for major development within National Landscapes should be refused other than in exceptional circumstances and where it can be demonstrated that such development is clearly in the public interest. Assessment of such applications should consider the need for the development, including national and local economic factors, the feasibility and cost of locating the proposal outside the designated area, and any potential detrimental effects on the environment, landscape character, and recreational opportunities. Where harm is identified, it should be demonstrated how such impacts can be effectively moderated or mitigated.
- 6.18 It is acknowledged that the proposed development would represent a noticeable addition to the settlement when viewed at a localised level. However, it is also recognised that the current scheme has been significantly reduced in overall scale and footprint compared with the earlier submission previously considered by the Local Planning Authority. The revised proposal includes a reduction in ridge height of approximately 0.85 metres and a decrease in the overall width of each dwelling by around 5 metres. These amendments serve to lessen the visual bulk and massing of the development, thereby improving its relationship with the surrounding landscape and built form.
- 6.19 While it is accepted that the proposed dwellings would remain larger in scale than some of the existing properties located to the north and east of the site, it is also necessary to consider the open and spacious character of the application site and its position within a more dispersed, countryside setting. In this context, the proposed scale and form are not considered inherently inappropriate, provided that the development is well integrated through appropriate landscape mitigation.
- 6.20 The findings of the submitted Landscape and Visual Appraisal (LVA) are noted, and the conclusions are broadly supported. The LVA demonstrates that, when viewed from the wider landscape, the proposed dwellings would be read as a modest and contained cluster, particularly once the proposed planting and vegetative screening have matured. The additional landscaping measures, which can be secured by condition, are expected to provide further visual containment and reinforce the natural character of the site's boundaries. On this basis, it is considered that the proposed development would result in a limited and acceptable level of landscape and visual impact within the context of the Wye Valley National Landscape.

- 6.21 The applicant has also responded positively to previous design concerns by significantly reducing the extent of glazing on the principal elevations, thereby mitigating potential light spill and visual prominence, particularly during darker hours. The proposed external materials comprising natural stone cladding, charred timber cladding, and a standing seam steel roof are considered to be of high quality and suitably reflective of the area's vernacular palette. These materials, when combined with the revised design and enhanced landscaping scheme, are judged to contribute to a contemporary yet contextually sympathetic form of development that sits comfortably within its rural and scenic surroundings.
- 6.22 By virtue of its reduced scale, careful siting, and visual integration with the existing built form of Bishopswood, the proposed development is not considered to constitute "major development" within the Wye Valley National Landscape. The design and positioning of the development ensures that it is sympathetic to the character of its surroundings and does not detract from the scenic qualities for which the National Landscape has been designated. In light of these factors, it is considered that the proposed development would conserve the visual and landscape qualities of the National Landscape. This approach aligns with the statutory duty under the Levelling Up and Regeneration Act 2023 to seek to "further the purpose" of National Landscape designations.
- 6.23 Furthermore, the proposal is consistent with the relevant policies of the Development Plan identified above, as well as the guidance contained within the NPPF, ensuring that the objectives of landscape protection, visual amenity, and sustainable development are fully respected.

Residential Amenity

- 6.24 CS Policy SD1 establishes that all development proposals must safeguard the amenity of both existing and future residents. This requirement reflects the need to ensure that new development does not cause harm to the living conditions of neighbouring properties or those who will occupy the new dwellings. In particular, it seeks to maintain appropriate levels of privacy, daylight, and general residential comfort, recognising that these factors are fundamental to the quality of life for residents.
- 6.25 Policy WALF17 of the NDP provides further guidance on protecting residential amenity. It emphasises that new development should be sited and designed in a manner that preserves the privacy and enjoyment of adjacent properties. Developments should avoid locations where existing or future residents might experience significant adverse effects from neighbouring uses, including noise, disturbance, or other environmental impacts. The policy also highlights the importance of mitigating the adverse effects of light pollution, which can detract from residential amenity and the enjoyment of outdoor spaces. In addition, WALF17 requires that new residential properties are provided with sufficient garden or outdoor space to allow residents to use these areas comfortably, with an appropriate degree of privacy and functionality. This ensures that outdoor spaces are both usable and enjoyable, supporting the wellbeing of residents and promoting sustainable, high-quality residential environments.
- 6.26 The proposed development has been carefully assessed in terms of its potential impact on the amenity of neighbouring residential properties, in accordance with Policy SD1 and Policy WALF17, which seek to safeguard the amenity, privacy, and enjoyment of both existing and future residents.
- 6.27 To the north of the site, the nearest residential property is Old Leys, located approximately 42 metres away from the site. The topography between the application site and Old Leys rises to the north-east, creating a natural separation that substantially limits direct visibility between the proposed development and the neighbouring property. Given this intervening landform, combined with existing mature boundary vegetation, it is not considered that the development would result in any adverse impacts through overlooking, overshadowing, or overbearing. The distance and natural screening ensure that the privacy and amenity of Old Leys will be preserved.

- 6.28 Sunnyside is situated approximately 24 metres to the south-east of the site. The proposed development, however, would be set at a level and distance that prevents any significant overbearing, overshadowing, or overlooking effects. To ensure further mitigation of any potential impacts, it is proposed that windows on the east-facing elevation of Unit A be restricted by condition, preventing the risk of any direct overlooking of Sunnyside. In addition, the planting of three new trees along the eastern boundary will enhance the screening provided by existing vegetation, further safeguarding the privacy and amenity of Sunnyside and contributing to a high-quality residential environment for both existing and future occupiers.
- 6.29 To the south-east, Orchard House is located at a significant distance from the application site, such that there would be no meaningful adverse impacts on amenity. The separation is sufficient to prevent overlooking, overshadowing, or any overbearing visual impact, ensuring that the enjoyment and privacy of Orchard House will remain unaffected by the development.
- 6.30 Overall, the proposed development has been designed with careful regard to the surrounding residential context. By taking into account existing topography, separation distances, orientation, and landscaping, and through the use of planning conditions where appropriate, the proposal ensures that the amenity, privacy, and enjoyment of neighbouring properties are fully protected.
- 6.31 These measures are consistent with the objectives of Policy SD1 and Policy WALF17, which require that new residential development avoids locations where adverse effects on neighbouring residents may arise and provides sufficient space and screening to maintain privacy and functionality. Consequently, it is considered that the proposed development would have no significant adverse impact on the amenity of neighbouring properties and is fully compliant with both national and local planning policy.

Water Resources

- 6.32 CS policy SD3 establishes that measures for sustainable water management must be an integral part of all new development. This requirement aims to reduce flood risk, avoid adverse impacts on water quantity, protect and enhance groundwater resources, and provide opportunities to improve biodiversity, health, and recreational benefits. Where flooding is identified as a potential concern, development proposals are expected to incorporate appropriate mitigation measures, such as flood storage compensation, or to implement alternative measures that contribute to the enhancement of the local flood risk regime. The policy recognises the importance of a holistic approach to water management, ensuring that new development supports environmental sustainability while safeguarding people and property from flood-related risks.
- 6.33 Policy SD4 further reinforces the importance of water management by stating that development should not undermine the achievement of water quality targets for rivers within the county, particularly through the treatment and disposal of wastewater. In cases where a connection to a mains sewer is unavailable, SD4 establishes a clear hierarchy for wastewater management. The preferred solution is the provision of, or connection to, a package sewage treatment works discharging either to a watercourse or to a suitable soakaway. Where this is not practicable, a septic tank discharging to a soakaway is considered acceptable, with the use of a cesspool being strictly limited to exceptional circumstances only. This approach ensures that water quality is maintained and that adverse environmental impacts are minimised.
- 6.34 NDP policy WALF8 provides further guidance for sites located away from public sewer networks. It requires that developers demonstrate, through appropriate technical evidence, that wastewater drainage can be accommodated in a manner that avoids pollution to the River Wye Special Area of Conservation (SAC), as well as preventing impacts on neighbouring properties or land. Any approved drainage scheme must be fully implemented and operational prior to the occupation of the development. In addition, the policy encourages the use of sustainable “wet systems,” such as constructed wetlands or other nature-based solutions, where practicable, to manage wastewater while simultaneously supporting biodiversity and ecological enhancement.

- 6.35 The proposed development intends to connect the new dwellings to a package treatment plant, with treated effluent discharged to an associated drainage field. Detailed drainage calculations have been prepared by H+H Drainage and Corner Water, both of whom have confirmed that a suitable drainage solution can be implemented on the application site. While initial concerns were raised regarding the discharge point onto land outside the applicant's ownership, this issue has been addressed and clarified through the submission of an amended site plan, which demonstrates that the applicant owns all of the land required for the drainage field and associated surface water discharge. Subject to a pre-commencement condition securing the precise details of the surface water drainage scheme, the Council's Land Drainage consultant supports the strategy as proposed.
- 6.36 To ensure compliance with relevant policy and best practice, planning conditions are proposed requiring the final details of the surface water drainage arrangements and implementation of water efficiency measures in the dwellings, consistent with the recommendations of the drainage report. These measures will help to manage water demand, reduce the load on the drainage system, and support sustainable water management in accordance with Policy SD3 of the CS.
- 6.37 Overall, the proposed drainage strategy demonstrates that wastewater from the development can be safely and effectively managed without causing harm to neighbouring properties, land, or the wider environment, including the River Wye Special Area of Conservation (SAC). The approach aligns with Policy SD4 and Policy WALF8, ensuring that water quality targets are not compromised, flood risk is managed, and opportunities to enhance biodiversity and sustainability are fully considered. The combined use of a package treatment plant, drainage field, and associated water efficiency measures provides a robust, compliant, and environmentally sensitive solution for wastewater management on the site.

Ecology

- 6.38 CS policies LD2 and LD3 are directly relevant to the assessment of ecological impacts and the management of trees in relation to the proposed development. These policies emphasise that development proposals should conserve, restore, and enhance the biodiversity and geodiversity assets of the county. They also require that proposals protect, manage, and plan for the preservation of existing green infrastructure while supporting the delivery of new green infrastructure where appropriate. In practice, this means that new development should seek to avoid negative impacts on habitats, species, and landscape features and, where possible, actively contribute to ecological enhancement and connectivity.
- 6.39 NDP policy WALF6 provides additional, locally specific guidance on biodiversity and ecological protection. The policy supports the conservation, recovery, and enhancement of biodiversity habitats and geological features, including those identified within the Priority Habitats Inventory and the Herefordshire Biodiversity Action Plan, as well as locally designated wildlife sites. The policy highlights the importance of protecting and managing trees particularly veteran trees woodlands, orchards, hedgerows, ponds, watercourses, and grasslands. Proposals that maintain and expand these ecological resources, in line with CS policy LD2, are strongly supported.
- 6.40 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and an Arboricultural Assessment, both of which conclude that the proposed development is unlikely to result in any harm to protected species or habitats. The submitted information confirms that, while some tree removal or pruning may be necessary to facilitate the development, no trees of significant ecological or arboricultural value have been identified as being directly affected. Furthermore, none of the trees on or adjacent to the site are subject to Tree Preservation Orders (TPOs), nor are they located within a Conservation Area, and therefore their removal would not require formal consent.

- 6.41 The landscaping scheme and protection measures will ensure that any potential impacts on the site's green infrastructure are suitably mitigated and that the development contributes positively to the character and biodiversity of the local area.
- 6.42 It is noted that the proposed landscaping scheme includes the planting of 26 new trees within the application site. The proposed species mix and planting specification are considered appropriate and acceptable, providing a positive contribution to the visual quality of the development and to local biodiversity. The inclusion of these trees will assist in integrating the development into its surroundings. In addition to this, a restriction on external lighting is also applied given the sites location within the Wye Valley Dark Skies area and further biodiversity enhancements are secured by condition, noting that the application is exempt from mandatory Biodiversity Net Gain by reason of the date of its submission.

Impact upon Highway Safety

- 6.43 CS policy MT1 requires that proposals should incorporate the following principle requirements covering movement and transportation demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.
- 6.44 NDP policy WALF21 states that where development proposals are advanced, these should ensure there is safe access onto the highway including adjacent roads. Proposals will not lead to a significant increase in the volume of traffic travelling on roads that do not have sufficient capacity or where this would adversely affect residential amenity.
- 6.45 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.46 Your officer acknowledges that the local highway network serving the application site is constrained, with limited opportunities for passing and turning manoeuvres. It is also recognised that there are no dedicated pedestrian footways in the immediate vicinity, and that vehicle speeds associated with the B4234 junction area are relatively high. Notwithstanding these constraints, the proposal would result in only a modest intensification of use arising from the limited additional vehicle movements associated with two dwellings and one must give significant weight to the site's allocation.
- 6.47 It is not considered that the scale of the development would give rise to a material increase in traffic levels or highway safety risks of such significance as to conflict with Paragraph 116 of the NPPF, which states that development should only be refused on transport grounds where the residual cumulative impacts are severe. The application has been reviewed by the Council's Area Engineer, who has raised no objection to the scheme.
- 6.48 The submitted plans demonstrate that adequate visibility splays can be achieved at the site access, in accordance with the standards set out in the local highway design guidance. In addition, sufficient on-site parking and turning provision has been provided within the application site to allow vehicles, including service and emergency vehicles, to enter and exit the site in a forward gear. Accordingly, the proposed development is considered acceptable in highway safety and accessibility terms.

Renewable Energy Generation

- 6.49 CS policy SD2 states that development proposals that seek to deliver renewable and low carbon energy will be supported where they meet the following criteria. The proposal does not adversely

impact upon international or national designated natural and heritage assets. The proposal does not adversely affect residential amenity. The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment. The proposal can be connected efficiently to existing national grid infrastructure, unless it can be demonstrated that energy generation would be used on-site to meet the needs of a specific end user.

- 6.50 It is acknowledged that the proposed installation of solar panels must be carefully considered given the site's location within the Wye Valley National Landscape. However, due regard has been given to the scale, design, and positioning of the proposed panels, which are considered to be proportionate and sensitively integrated with the host dwellings. As such, it is not considered that the proposal would result in any adverse visual or landscape impacts, nor would it harm the special qualities or scenic beauty of the designated area.
- 6.51 In addition, the incorporation of renewable energy technology within the development is consistent with both local and national objectives to reduce carbon emissions. The proposal would make a positive contribution towards achieving Herefordshire Council's target of becoming carbon neutral by 2030, and aligns with national policy commitments to achieve net zero by 2050, as well as supporting the Council's declared Climate and Ecological Emergency.

Other Matters

- 6.52 The principle of development in this instance falls to be considered solely within the context of the defined settlement boundary, as established by the made NDP. The NDP has undergone independent examination by a duly appointed Examiner and was subsequently found to meet the Basic Conditions and to be sound. It therefore forms part of the statutory Development Plan for the purposes of decision-making under Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.53 In this regard, attention is drawn to appeal reference APP/W1850/W/25/3360507, in which the Inspector upheld the importance and integrity of the defined settlement boundary within a made Neighbourhood Development Plan, confirming that weight should appropriately be afforded to the boundary as a key component of the adopted Development Plan framework.
- 6.54 It is also important to note that the housing growth figures set out within both the Neighbourhood Development Plan and the Herefordshire Core Strategy represent minimum indicative targets, rather than fixed or maximum limits on the scale of development within a settlement. Consequently, the delivery of additional dwellings within the defined settlement boundary where proposals accord with relevant Development Plan policies remains acceptable in principle, notwithstanding the quantum of development that has already been achieved.
- 6.55 Furthermore, proposals that come forward either inside or outside of defined settlement boundaries must be considered on their individual planning merits, having due regard to national and local policy considerations. The determination of one proposal does not create a precedent for future development in comparable locations. In accordance with Section 38(6) of the 2004 Act, each application must therefore be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

Conclusion

- 6.56 Having regard to the provisions of the Herefordshire Local Plan – Core Strategy, the Walford Neighbourhood Development Plan and the National Planning Policy Framework, it is concluded that the principle of residential development on this site is acceptable. The application site lies within the defined settlement boundary for Bishopswood, as established by Policy WALF19 of the

Walford NDP, and is specifically identified for residential development under Policy WALF21a. The NDP was formally made in June 2023, following independent examination, and therefore carries full weight and forms part of the statutory Development Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 6.57 The proposed development accords with the spatial strategy of the Core Strategy, notably Policies SS1, SS2, RA1, and RA2, which collectively promote sustainable, proportionate growth in rural settlements. The proposal contributes positively towards meeting the identified housing needs of the parish and wider county at a time when Herefordshire Council is unable to demonstrate a five-year supply of deliverable housing sites. In this context, the presumption in favour of sustainable development set out in Paragraph 11 of the NPPF carries significant weight.
- 6.58 The scheme also represents an appropriately scaled and site-responsive form of development. The reduction in dwelling numbers below the allocation target set by Policy WALF21a is an indication of a design-led approach that respects local topography, landscape sensitivity, and the setting of the Wye Valley National Landscape. The proposal therefore achieves a balanced outcome between enabling necessary growth and safeguarding the area's environmental and visual qualities.
- 6.59 In light of these considerations, the proposed development is found to comply with the relevant provisions of the Development Plan and the NPPF. The principle of residential development in this location is therefore considered acceptable, subject to compliance with detailed design and technical matters addressed elsewhere in this report.

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:

That planning permission be granted subject to the following conditions:

Standard Conditions

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

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

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. ES085 P(0)001E; ES085 P(0)002C; ES085 P(0)003C; ES085 P(0)004C; ES085 P(0)005C; ES085 P(0)006C ES085 P(0)011A and Location Plan 05 March 2025).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies WALF2, WALF6:, and WALF10 and the National Planning Policy Framework.

Pre Commencement Conditions

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

Further information on the subject of this report is available from Mr Simon Withers

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

4. No development shall commence until a revised surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved drainage strategy, and no surface water shall discharge to the public highway.

Reason: To ensure that adequate provision is made for surface water drainage, to prevent increased risk of flooding and runoff to the public highway, and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework.

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

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

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

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

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 24 metres to the South West and 27 metres to the North East along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

Pre- Occupation Conditions

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

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

8. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of three cars per dwellinghouse 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.

9. 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.

10. Prior to the first occupation of the development hereby permitted, the construction of the vehicular access shall be completed in accordance with a detailed specification that has first been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed at a gradient not steeper than 1 in 12.

Reason: To ensure the formation of a safe and satisfactory means of access to the highway, in the interests of highway safety and in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

12. Prior to completion of the development or first occupation of any of the dwellings hereby approved, whichever is the sooner, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- b) Full details of the long term future maintenance of all planting proposals.

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

Post Occupancy and any other stage conditions

13. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: H.E.C, Arboricultural Impact Assessment and Tree Protection plan.

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

15. The recommendations in the Phase One Habitat Survey and Bat Survey by Ecology Services dated January 2024 in respect of ecological interests on the site, biodiversity net gain and habitat enhancement recommendations, including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England to be obtained prior to approved demolition works commencing, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

16. All foul water shall discharge to a new private foul water system (Package Treatment Plant) discharging to a suitable soakaway drainage field on land under the applicant's ownership and all additional surface water shall be managed by appropriate sustainable drainage systems unless otherwise agreed with 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.

17. Any new access gates shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

18. No external lighting, including no driveway illumination, 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 10 minutes. 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.

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

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

20. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

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

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

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no windows shall at any time be placed in the East facing elevation of Unit A (as shown on drawing no. ES085 P(0)003C).

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

22. Notwithstanding the provisions Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no fences, walls or other means of enclosure shall erected within the application site.

Reason: In order to protect the visual amenity of the site and surrounding locality and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status Protected Species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
3. Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.
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 Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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 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 845900.

5. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

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 845900.

6. 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.
7. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517).

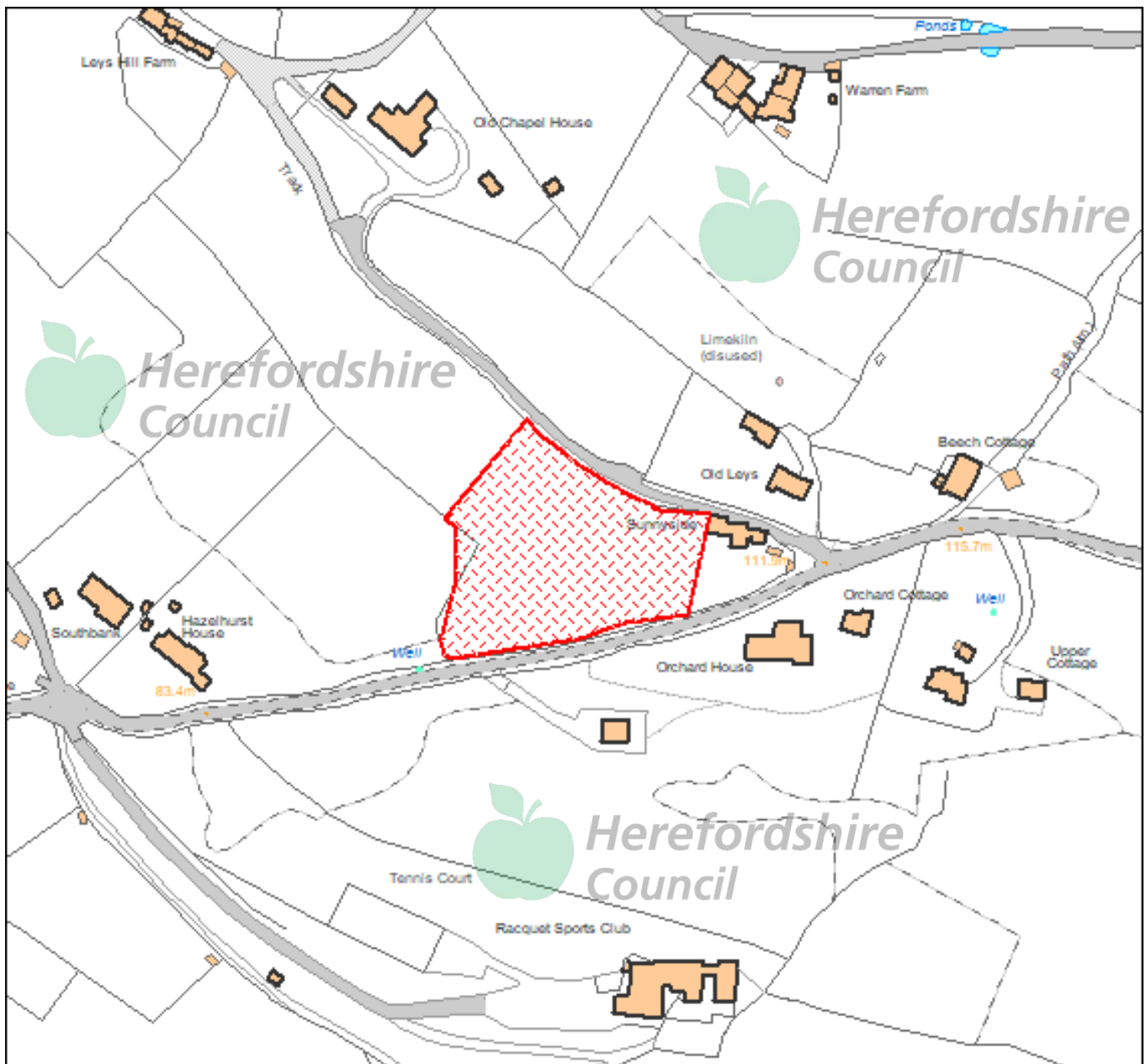
Decision:

Notes:

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Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 240309

SITE ADDRESS : LAND NORTH OF LEYS HILL, BISHOPSWOOD, ROSS-ON-WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Simon Withers

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 DECEMBER 2025
TITLE OF REPORT:	242748 - PROPOSED ALTERATIONS TO AND CHANGE OF USE OF EXISTING BUILDING TO ALLOW OCCUPATION FOR CLASS E(B)/SUI GENERIS (HOT FOOD TAKEAWAY) USE, INCLUDING THE PROVISION OF DESIGNATED CAR PARKING AREA AND ALTERATIONS TO EXISTING ELEVATIONS. AT 30 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JB For: NNA Ltd per Ms Polly Mason, De La Bere House, Bayshill Road, Cheltenham, GL50 3AW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=242748&search-term=242748
Reason Application submitted to Committee – Unusually high public interest	

Date Received: 25 October 2024

Ward: Leominster
South

Grid Ref: 349575,258874

Expiry Date: 20 December 2024

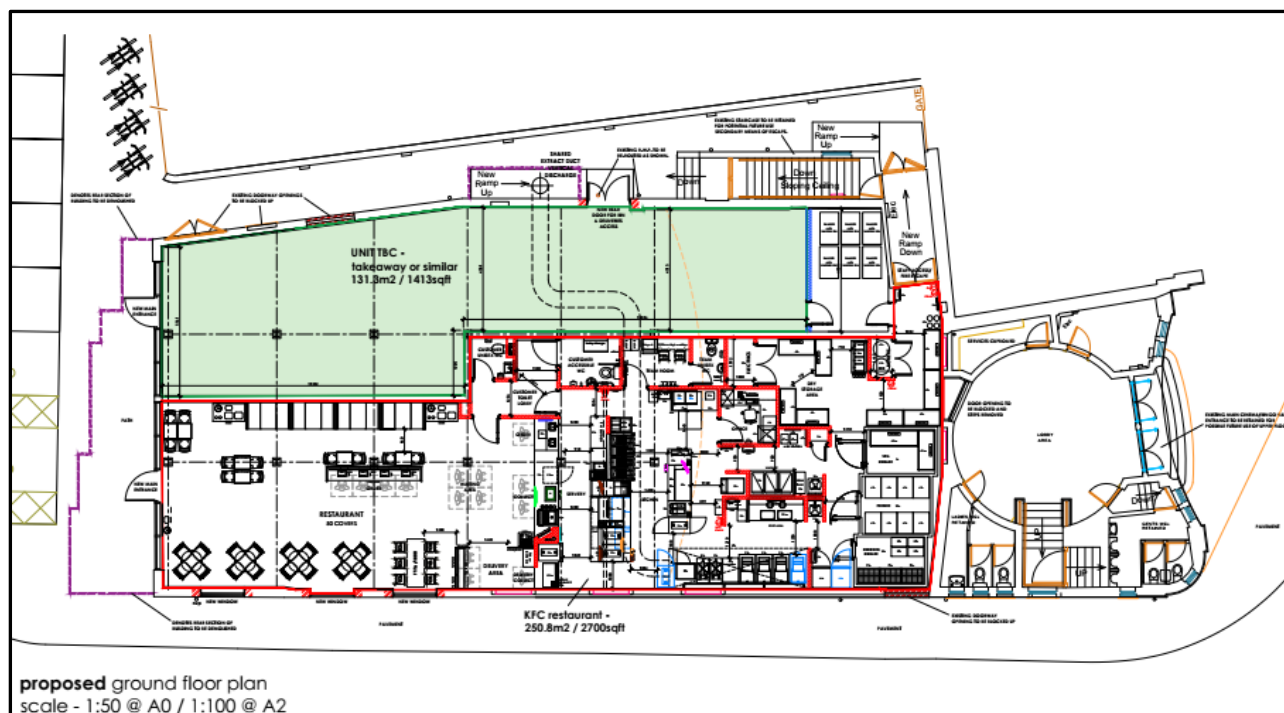
Local Members: Cllr Jenny Bartlett and Cllr Mark Woodall

1. Site Description and Proposal

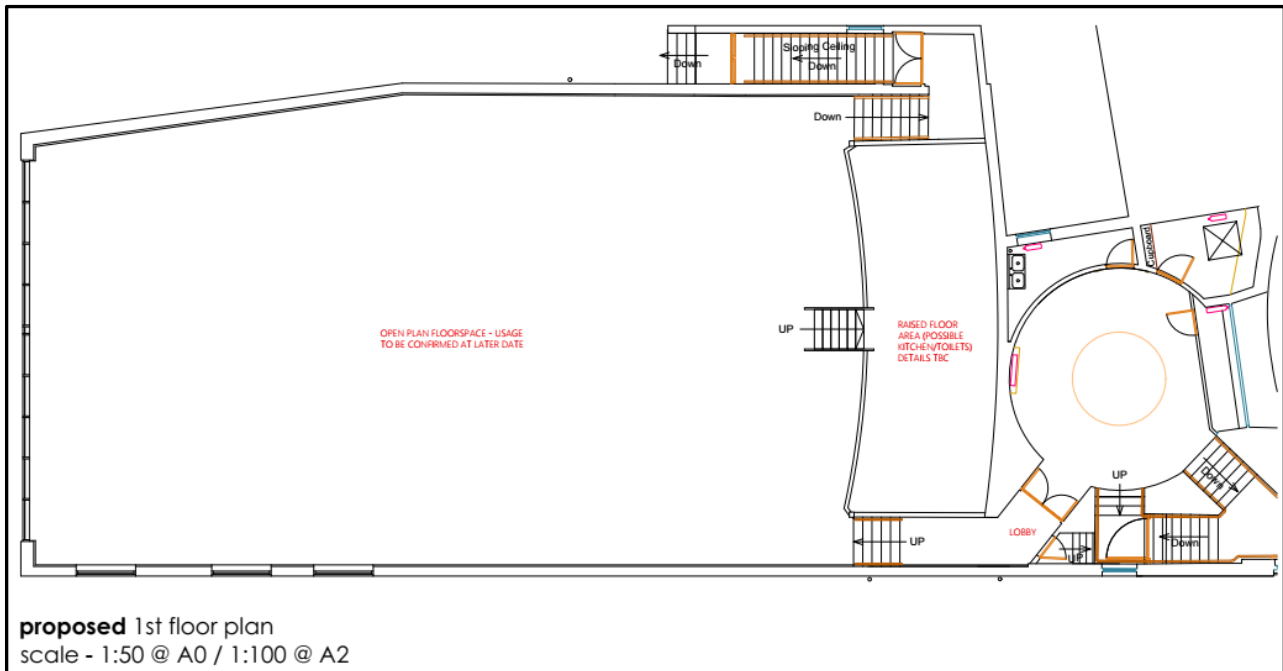
- 1.1 The application site relates to a former cinema, most recently used as a bingo hall, located within the designated Leominster Town Centre and Conservation Area, on the roundabout junction between South Street and Westbury Street. The site lies directly adjacent to a vehicular access serving the Cooperative food store, Public car park, a number of commercial and/or residential properties and the Bus Station. The site also lies opposite a bus stop on the South side of Westbury Street. The site comprises an historic frontage onto South Street, the building itself and a car parking area to the rear (West).
- 1.2 The proposal is for the change of use of the building from a Sui Generis (Bingo hall) use, to Class E(b) / sui generis hot food takeaway and works to facilitate the conversion and subdivision of the existing building for two hot food takeaway units. Part A, Schedule 2, Regulation 13 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 states that Use Class E(b) involves a use *“for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises”*.
- 1.3 Works include the removal of a small section of the building at its western most extent, allowing for the regularisation of this elevation as the entrance to both units and the formalisation of parking provision for staff and delivery drivers to the west of the Site.
- 1.4 Changes to the building include the addition of no. 3 windows the ground floor and no. 3 to the first floor South elevation (elevation B), located towards the Western end of the building. The North elevation sees the removal of several openings and the introduction of a flue and a service

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

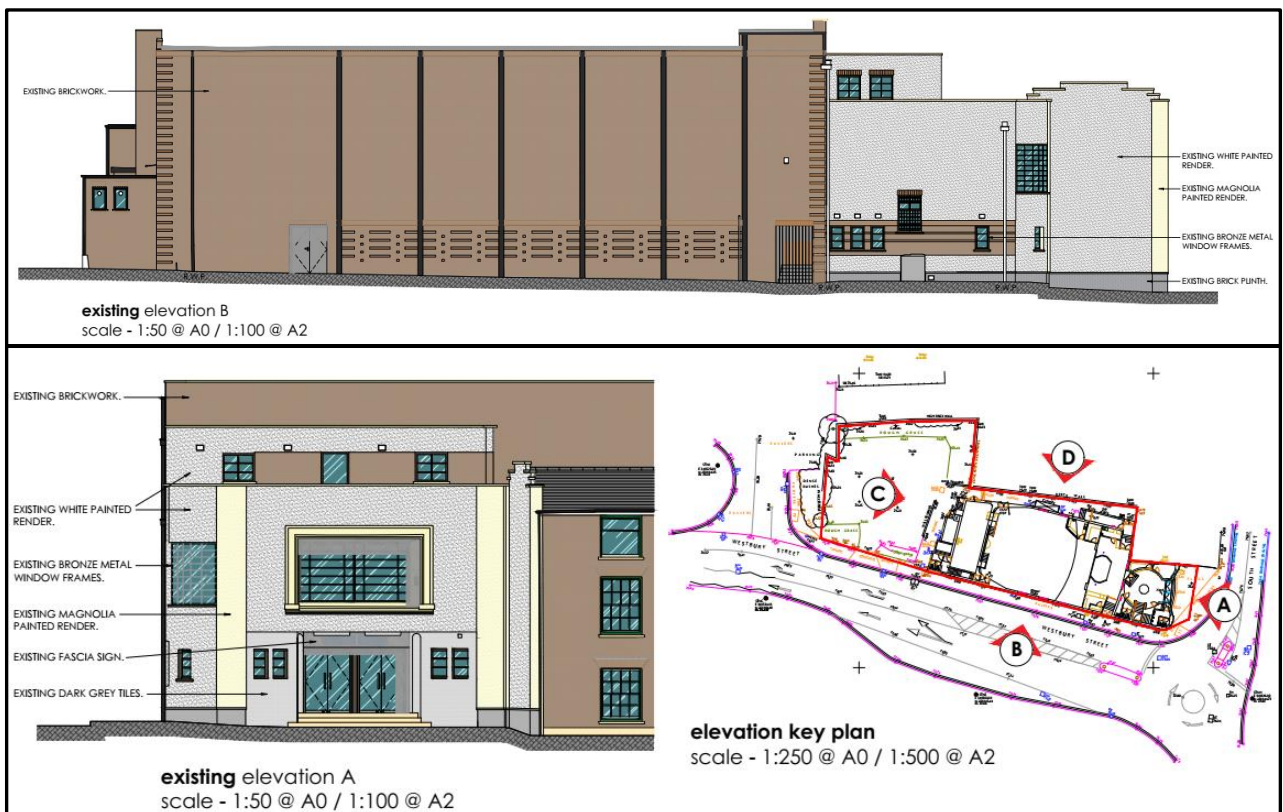
- Existing Floor Plans:



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

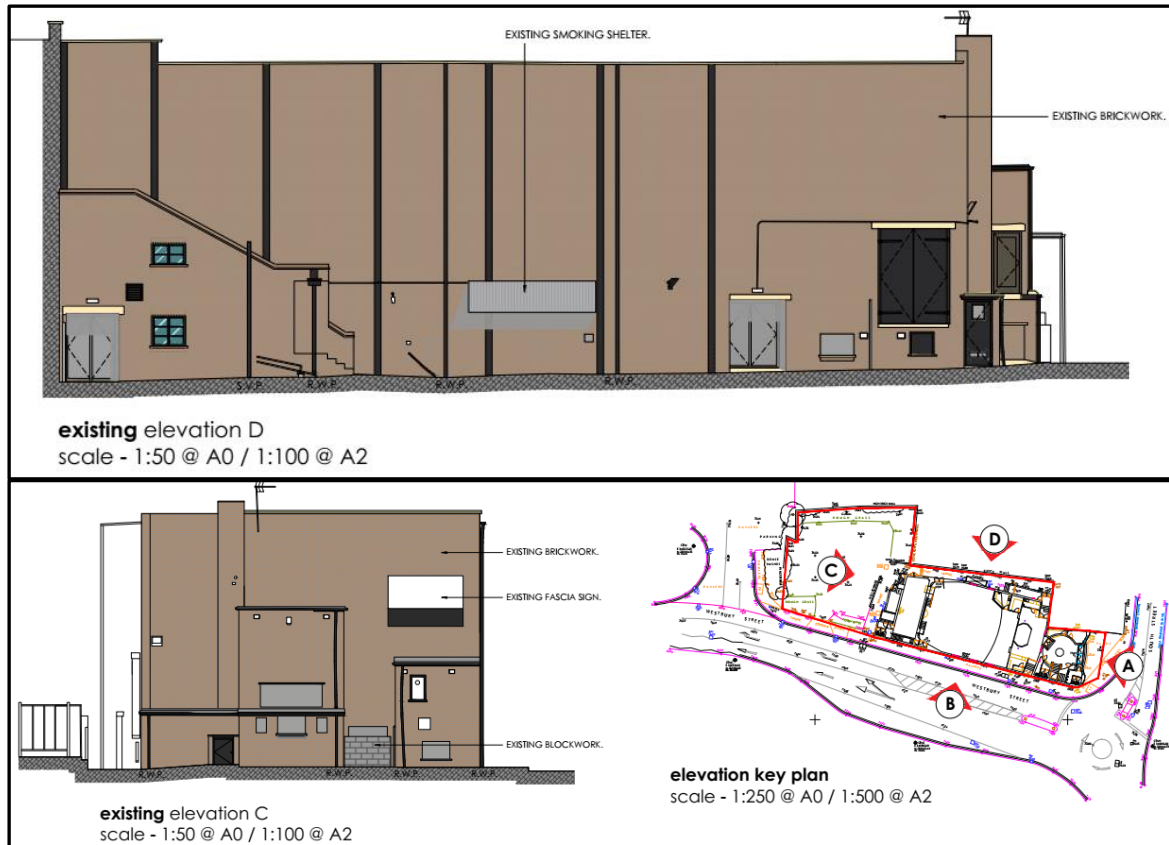


Existing Elevations A and B:

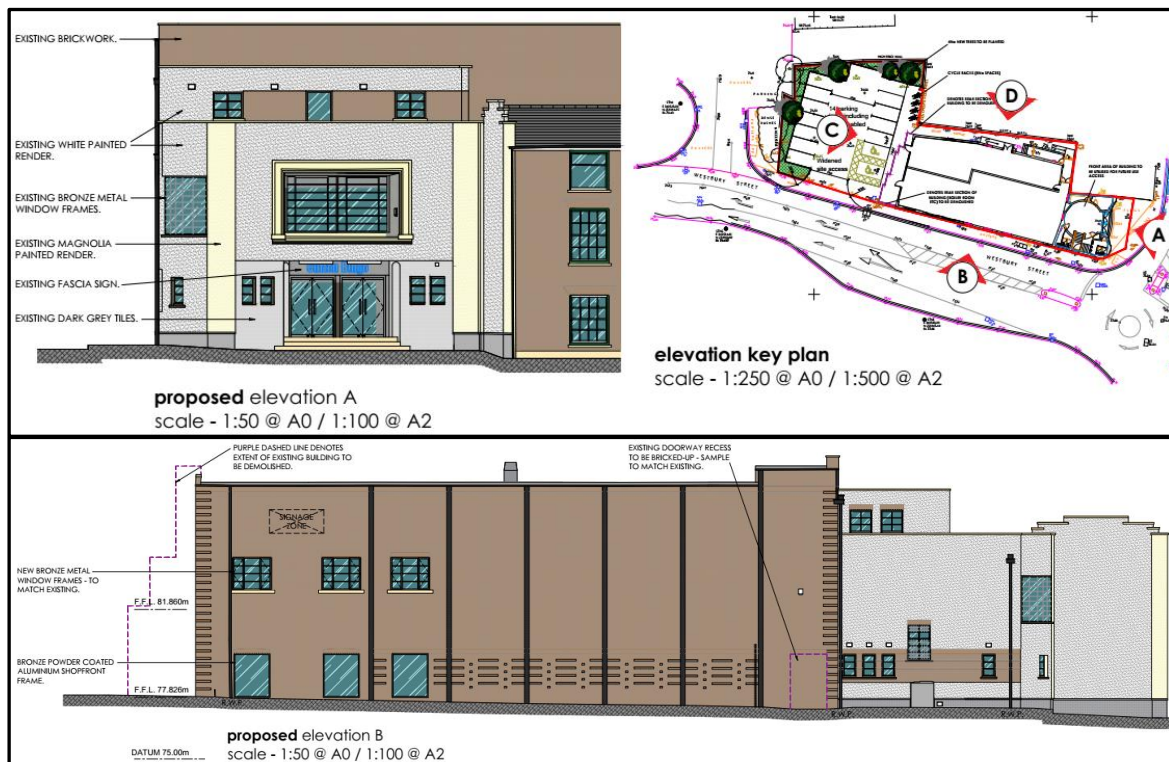


Existing Elevations C and D:

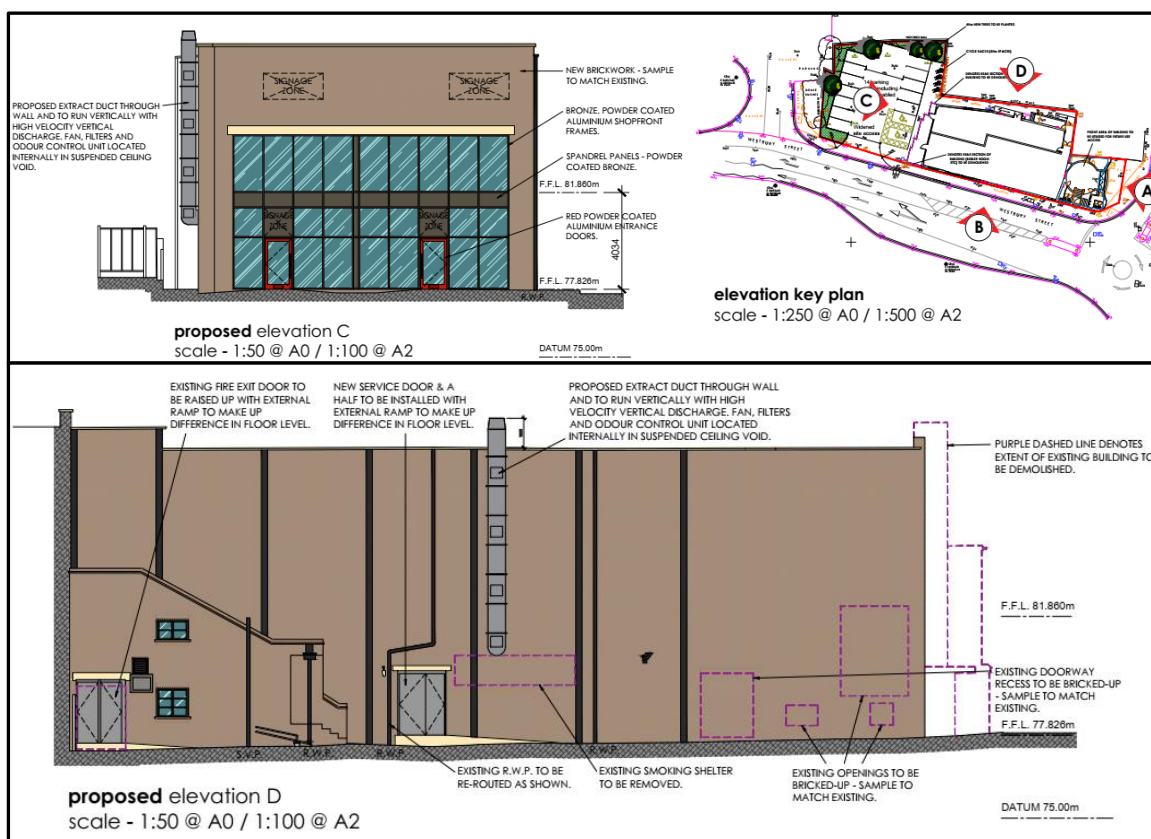
Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000



Proposed elevations A and B:



Proposed Elevations C and D:



2. Policies

2.1 Leominster Neighbourhood Development Plan (2019) (LNDP)

The Leominster Neighbourhood Development Plan can be viewed in full using the following link:
https://www.herefordshire.gov.uk/media/2jmfxfjsr/leominster_neighbourhood_plan_january_2019.pdf

- Policy LANP5 – New business development
- Policy LANP6 – Development in Leominster Town Centre
- Policy LANP12 – Community facilities and services
- Policy LANP14 – Protecting and enhancing the character of Leominster Town Centre
- Policy LANP18 – Tourism
- Policy LANP19 – Community and highway infrastructure

2.2 Herefordshire Local Plan – Core Strategy (2015) (CS)

The Herefordshire Local Plan – Core Strategy can be viewed in full, together with supplementary documents and evidence base, using the following link:

<https://www.herefordshire.gov.uk/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

- SS1 – Presumption in favour of sustainable development
- SS4 – Movement and transportation
- SS5 – Employment provision
- SS6 – Environmental quality and local distinctiveness
- LO1 – Development in Leominster
- SC1 – Social and community facilities

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

- MT1 – Traffic Management, highway safety and promoting active travel
- E1 – Employment provision
- E5 – Town centres
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green Infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Wastewater treatment and river water quality

2.3 National Planning Policy Framework (2024) (NPPF)

The National Planning Policy Framework can be viewed in full using the following link:

https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

2.4 National Planning Practice Guidance

- Healthy and Safe Communities

2.5 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 retail impact, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

- 3.1 79/0883 - Change of use from cinema with part time bingo on three days per week to a full time bingo and social club, at Clifton cinema, South Street, Leominster. – Approved (1979).
- 3.2 DCNC2007/1633/K - Canopy lift one Copper Beech (decision date 2010).
- 3.3 P170052/J - Complete removal of Copper Beech Tree. – Consent granted with conditions

P251814/J - The 5 trees in question are fairly young, and are growing in the verge and in the footings of an old brick boundary wall. T1 - Birch Tree, growing at an acute angle with the trunk right into the base of the brick wall. T2 - Maple tree, T3 - Birch tree, T4 - Maple tree, T5 - Hawthorn hedging tree. Between the trees, are a mixture of weeds and out of control grasses and shrubs like buddleia, which we intend to manage and keep neat and tidy. Want to remove trees to help with walls stability and so there is no risk to the public. In the area south of the car park spaces by T5 there is space to plant some small scale maple's to enhance the area. – consent granted

- 3.4 Other planning history exists on site for advertisement consent in connection to the previous uses at the site.

4. Consultation Summary

4.1 Statutory Consultation responses:

4.1.1 Dwr Cymru (Welsh Water)

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

FOUL WATER

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.

Surface Water

Turning to surface water drainage, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. However, in this instance, we would advise that there is no agreement to communicate additional surface water flows into the public combined sewer. Furthermore, the National Planning Policy Framework highlights the need to help improve local environmental conditions, including water quality (187), and ensure that risks can be managed through suitable adaptation measures, including through sustainable drainage systems (164). Accordingly, as a material consideration within the planning process and notwithstanding the submitted application form, we recommend a condition that specifies no additional surface water flows shall communicate directly or indirectly 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 **Condition** and **Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

4.2 Internal Council Consultation responses:

4.2.1 Highways Engineer consultation response: - 14/01/2025

The Local Highway Authority (LHA) has reviewed the application for the proposed change of use of a former Bingo Hall to a KFC restaurant with a hot food takeaway element. It has the following comments:

Servicing / Deliveries

The Transport Statement outlines that deliveries and servicing are expected to take place out of hours, between 23:30 and 09:00, before trading commences. It also presents two alternative options: servicing from on-street along the site's frontage or using the lay-by directly opposite. The Local Highway Authority (LHA) requests that all servicing is conducted on-site within the car park, and the applicant must provide vehicle tracking to demonstrate that this is achievable.

Using the lay-by would require an amended Traffic Regulation Order (TRO), which is not guaranteed, and raises safety concerns due to the need for delivery staff to cross the road.

Servicing from on-street is also unacceptable, as this area is subject to double yellow lines and is near the roundabout, creating potential safety and operational issues.

There is concern regarding the management of fast-food delivery services, such as Deliveroo and Just Eat, at the proposed KFC site. Specifically, how will KFC ensure that delivery vehicles do not obstruct car park spaces or park on the highway, potentially causing congestion and safety

issues? A clear plan for accommodating these services without impacting on-site parking or traffic flow is necessary.

Lay-by and Bus Stop

There is a concern regarding the use of the lay-by, as it currently serves as a bus stop for regular services and school buses. The Local Highway Authority (LHA) is particularly concerned about the potential safety risks associated with school children crossing the road to access the site, as this would be the quickest route. The applicant is required to address how this safety issue will be mitigated to ensure the safe movement of pedestrians, particularly school children, in this area.

Parking

The Transport Statement indicates that 14 parking spaces will be provided, including 2 disabled bays. However, the TRICS parking accumulation data presented does not account for staff parking, which could significantly affect the availability of spaces. The data also suggests that the car park will reach, or nearly reach, capacity throughout the day. Additionally, the data is based on weekdays, but weekends are expected to see higher demand, which could exacerbate parking issues.

For the second, smaller unit, the TRICS data used is not representative. To ensure a more accurate assessment, the applicant should instead use TRICS data from a comparable operator, such as Greggs.

Furthermore, the TRICS data for the site's existing use, which was categorised under "multiplex cinema," is an inappropriate comparison and leads to overestimated parking demand. In the absence of suitable data, the applicant should consider using a first-principles approach to better assess the likely trip generation of the existing site use.

Junction / Access Arrangement

The proposed junction and access arrangements raise concerns due to the high traffic volume in this busy part of Leominster. Specifically, the need to cross a ghost right turn lane presents road safety issues for vehicles both entering and exiting the site. Additionally, the interaction between the proposed access and the neighbouring bus station, as well as the shared car park used for other purposes, is a further point of concern.

Given these challenges, could there be an opportunity to provide pedestrian access from the neighbouring car park directly into the KFC site? Alternatively, would it be feasible to relocate the vehicle access for KFC to allow for direct access from the neighbouring car park, thereby mitigating potential safety risks and improving circulation?

In light of the above concerns, we request that the applicant provides the additional information outlined. Without this, we are unable to support the application and object on highway safety grounds..

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

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.2.2 Further Highways Engineer consultation response: 06/05/2025

The Local Highway Authority (LHA) has reviewed the applicant's latest response and maintains its position in objection to the proposed development, on the following grounds:

Servicing / Deliveries

The LHA acknowledges that the applicant has demonstrated that all servicing and deliveries can

be accommodated within the on-site car park between 23:30 and 09:00. On this basis, the alternative options of on-street servicing or the use of the lay-by must no longer be considered, as these are not acceptable from a highway safety perspective and would conflict with existing traffic restrictions, bus stop operations, and general network safety.

However, the applicant's response regarding the management of fast-food delivery services (e.g. Deliveroo, Just Eat, Uber Eats) remains wholly inadequate. The applicant suggests that the area allocated for cycle parking could also be used by delivery drivers — but this is not a suitable or practical arrangement. The cycle parking area is positioned such that it would be blocked by parked vehicles within the car park, rendering it inaccessible for motorcycles or cars used by delivery drivers.

In reality, without a clearly designated, accessible, and actively managed area for delivery driver parking, drivers are likely to seek the most convenient available space — which in this case is likely to be on the adjacent highway or informally within the car park. This creates significant highway safety risks, particularly given the presence of double yellow lines, the nearby roundabout, and the high level of pedestrian and vehicular activity in the area. It should also be noted that in smaller towns, food deliveries are more commonly made by car rather than by bike, increasing the need for proper vehicle accommodation.

The applicant must therefore provide a realistic and enforceable delivery management strategy, clearly identifying how fast-food delivery drivers will be accommodated safely on-site without relying on highway space or obstructing operational areas of the car park. Until this is addressed, the proposal introduces an unacceptable risk to highway safety and remains contrary to the requirements of the NPPF in promoting safe and suitable access for all.

Lay-by and Bus Stop

The LHA maintains concerns regarding the proposed use of the lay-by. Currently, the lay-by serves as a bus stop for both regular services and school buses. The applicant has suggested that the number of schoolchildren likely to be customers will be "moderate." However, this is an unsubstantiated assumption, and there is no evidence to support that schoolchildren will not be drawn to the site. Schoolchildren, particularly those from nearby schools, are likely to be attracted to the site, and the applicant has not demonstrated why this would not be the case.

Additionally, the applicant argues that schoolchildren will use the nearby pelican crossing on Westbury Street to access the site. However, this assumption does not reflect realistic pedestrian behaviour. Given that the KFC site is directly accessible via the lay-by and provides a much shorter route, it is highly likely that children will cross the road directly, rather than walking further to the pelican crossing. This creates a significant safety risk for pedestrians, especially considering the lay-by's proximity to the roundabout and the busy traffic flow in the area.

We do not consider it realistic to assume that children will consistently use the pelican crossing to access the site. It is far more likely that they will take the more direct route across the lay-by, increasing the risk of unsafe crossing movements in an already busy area. This presents a clear pedestrian safety concern that must be taken into account.

Parking Provision

The LHA remains concerned that the level of on-site parking proposed is insufficient to safely accommodate customer demand, particularly given the nature of the operation as a drive-to destination and the parking accumulation data presented. The applicant's assessment fails to adequately account for staff parking, fast-food delivery drivers (e.g., Deliveroo, Just Eat), and the potential peak demand during weekends, which is likely to exceed weekday levels. The proposed provision of 14 spaces, including two disabled bays, is considered inadequate and risks causing overspill parking onto surrounding roads and car parks, creating operational and safety issues.

TRICS Data

The applicant has provided revised TRICS data, which now demonstrates that the proposed parking provision will be insufficient, particularly on a Saturday when both the KFC restaurant and the adjacent coffee shop unit are operational. The submitted assessment confirms that the car park would exceed capacity during peak periods on Saturdays, with demand outstripping the available 14 parking spaces.

This raises significant operational and highway safety concerns, as insufficient on-site parking is likely to lead to increased congestion, intensification of use of the right-hand turn lane, and increased conflict between vehicles using the turn lane and those accessing the adjacent bus station and Co-op car park. These factors collectively result in a heightened road safety risk.

Junction and Access Arrangements

The LHA maintains significant concerns about the safety and suitability of the proposed access arrangements. The need for vehicles to cross a ghost right-turn lane in a busy, high-traffic location adjacent to the bus station and a shared public car park introduces unacceptable road safety risks. The interaction of turning movements with adjacent accesses, the proximity to a roundabout, and pedestrian activity in this area further compound these issues.

Preferred Approach

Given these concerns, the Local Highway Authority considers the only acceptable solution is to strictly limit use of the car park to staff and delivery vehicles only (including third-party services such as Deliveroo or Just Eat). It would not be acceptable for customers to use the on-site car park. This restriction would reduce unsafe access and egress movements associated with customer vehicles to a more acceptable level — broadly consistent with the site's previous use — and would help to manage parking demand more effectively. Customer parking should instead be accommodated within existing town centre public car parks.

In light of the above, the LHA is unable to support the application in its current form and maintains its objection on highway safety grounds.

4.2.3 Amended Highways Engineer consultation response – 08/09/2025

The Local Highway Authority (LHA) has reviewed the applicant's amended submission and welcomes the commitment to proceed with the preferred approach of restricting use of the on-site car park to staff, deliveries, disabled parking, and general servicing only. The applicant has also provided vehicle tracking which demonstrates that servicing can be satisfactorily accommodated within the site.

On this basis, the LHA is satisfied that the proposed development is acceptable and raises no objection, subject to conditions.

It is noted, however, that the cycle storage remains located in a position that would be blocked by parked vehicles within the car park, rendering it inaccessible to users and unsuitable for motorcycles or cars used by delivery drivers. While this remains a concern, the LHA would be accepting of this being addressed through a suitably worded planning condition requiring the submission and approval of a revised cycle parking layout prior to first use of the development.

On this basis, the LHA is satisfied that the proposed development is acceptable and raises no objection, subject to the following conditions being applied:

- **Car Park Use Restriction** - The on-site car park shall be used only for staff parking, disabled parking, deliveries, and general servicing associated with the development. It shall not be used for customer parking at any time.

- **Delivery and Servicing Management** - All servicing and deliveries shall take place within the designated on-site areas as shown on the approved plans. No servicing or delivery activity shall take place from the public highway.
- **CAE – Vehicular Access Construction**
- **CB2 – Secure Covered Cycle Parking**

4.2.4 Tree Officer consultation response:

There are no tree constraints identified for this site.

The tree covered by Tree Preservation Order ref 556 was removed under relevant permission granted 21st March 2017 (application ref 170052).

4.2.5 Ecology consultation response:

Although located within the River Lugg SAC catchment, this is a commercial development with no overnight accommodation, with previous commercial use as a bingo hall. In accordance with Natural England guidance the application is therefore not required to demonstrate nutrient neutrality and no Habitat Regulations Assessment (HRA) is necessary.

Informative – Nesting Birds

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- Intentionally kill, injure or take any wild bird.
- Intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built.
- Intentionally take or destroy the egg of any wild bird.
- Intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from a qualified ecologist.

4.2.6 Building Conservation Officer consultation response: 16/01/2025

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

The proposal relates to the alterations to and change of use of existing building to allow occupation for Class E(b) / sui generis (hot food takeaway) use, including the provision of designated car parking area and alterations to existing elevations.

The building is unlisted and prominently sited within the Leominster Conservation Area, which contains a high number of listed building some of which are adjacent to, or opposite this building, which form a tight grouping.

UID 1255513 28 South Street,

UID 1270260 24 & 26 South Street,

UID 1255493 22 South Street,

UID 1270265 Dutton House

UID 1255520 Wall at Dutton House.

Being located within an urban location, the principle of for Class E(b) / sui generis (hot food takeaway) use is not opposed in principle in built heritage terms, however the consideration of viability of the town centre may be a planning consideration that you are considering.

The proposal would result in the main entrance being to the current rear of the site which is relatively blank elevation, articulated by “extensions”, which are to be demolished.

The rear elevation would effectively become the primary elevation, which would not relate well to the town centre and conservation area, and would effectively be edge of town more readily associated with the edge of town supermarkets. A primary elevation facing South Street would be more accessible for pedestrians from the Town Centre.

However the principle concern in built heritage is the elements as yet unknown as part of this application.

I note the glazing proposed to the upper floor, however, the first floor plan indicate that the use of the first floor is not known at this stage (drawing 0000/2023/F100 Rev C), however the planning statement in section 3.7 confirms that the first floor is for ancillary storage associated with the ground floor use, with no public access to the upper floor at this stage. As such it is not clear as to whether there will be a use on the first floor which is not ancillary storage, which requires the glazing as proposed of 7 first floor windows on Westbury Street. Whilst not objecting per se to a separate use on the first floor, at this current time the application does not confirm that use, but confirms ancillary storage for the ground floor use. Should the first floor be utilised for non-storage, for the ground floor will there be a requirement for additional storage on the ground floor. The first floor contains decorative diaper brick work within the bays (3 in number) which it is proposed to removed and replaced with windows. No assessment as to the need for the 7 windows at this stage, or the impact of the loss of this decorative brick feature accompanied the application. Without a use for the first floor save ancillary storage it is considered premature at this stage to consider the windows at first floor level, until the use of that floor, and any venting of flues and extracts has been established as the current proposal appears to suggest that vents to the roof would not be an option on the basis of the plans submitted.

The introduction of an additional shopfront at pavement level and the substitution of fire doors for a shop front is not opposed in itself as it will add interest at pavement level, however the eastern shopfront is not supported as it would impinge upon the brick decorative detail on that bay, and it is suggested that this new window be omitted from the plans and the new and/or amended window details be restricted to the western bay (2 windows) without the decorative brickwork.

It is unclear as to whether the smaller take away unit will be a different operator, as the planning statement confirms it will complement the larger unit. This should be clarified as, this will result in 2 sets of extract units/flues/vents and 2 separate signage liveries.

The details of the flues vents and extracts should form part of this application as the location of the servery and cooking area centrally placed within the ground floor suggests that an option facing onto Westbury Street is being considered as the venting may not be internal due to the as yet unknown use of the first floor. Full details of the flues vents and extracts are required to ensure that they can be considered in exercise of our duties under sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. These details could not be conditioned and would be required for assessment at this stage.

The communal bin stores and delivery doors is noted and the proximity to UID 1255513 28 South Street, UID 1270260 24 & 26 South Street, and UID 1255493 22 South Street. Please note that the setting of listed buildings applies not only to the visual impact of setting but also less tangible elements such as noise, odours etc. Notwithstanding the statement in section 5.14 of the Planning Statement it is not considered that the submission has fully addressed the requirement of para

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

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

However I acknowledge that other regulatory bodies will be assessing noise and odours in relation to existing neighbouring uses and will leave consideration of that element to the appropriate regulatory officers.

The retention and enhancement of Leominster Town Centre which is a conservation area containing a high number of listed buildings is supported. You are reminded of the recent Leominster Heritage Action Zone which provided funding for the enhancement of the town centre from the public purse, and contributions by building owners. As such any development that eroded the vitality and viability of the town centre would not be supported in built heritage terms, rather it would be preferable to protect the public monies invested in the town. As such it is noted that comments are awaited from Highways colleagues in respect of the car parking provision being proposed and whilst noting that there are other car parks in the vicinity serving other commercial premises and ability to pay for longer period to visit the town, I would be interested in highway comments and their consideration as to whether the approval of this proposal would result in a demand for car parking in adjacent car parks outside the applicants control and if that would have a result on the economic viability of those commercial premises or the town centre at large.

The anticipated signage on the elevation plans is noted, and whilst acknowledging that the signage will be considered by a subsequent application for consent to display advertisements, such an application will be considered in respect of the impact on the conservation area and adjacent listed buildings. However the extent of signage proposed at this point is noted as being relatively minimal which is welcomed in such a prominent location.

Whilst there is support for development that would support and enhance the viability of Leominster Town Centre, the application so submitted does not contain sufficient information in terms of the full impact of the proposal, most notably the flues vents and extracts, and as such it is not possible to support this application on the basis of the information provided. I would therefore request additional information as outlined above in order that the impact of the proposal can be considered against our duties under section 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 can be made.

Without the above requested information I would have to object to the proposal on built heritage grounds.

4.2.7 Further Building Conservation Officer consultation response: 09/07/2025

The proposal

The proposal relates to the alterations to and change of use of existing building to allow occupation for Class E(b) / sui generis (hot food takeaway) use, including the provision of designated car parking area and alterations to existing elevations.

The site

The building is unlisted and prominently sited within the Leominster Conservation Area, which contains a high number of listed building some of which are adjacent to, or opposite this building, which form a tight grouping.
UID 1255513 28 South Street,

UID 1270260 24 & 26 South Street,
 UID 1255493 22 South Street,
 UID 1270265 Dutton House
 UID 1255520 Wall at Dutton House.

Legislation Policy and Guidance

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 not 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.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 SD1 of the Herefordshire Local Plan – Core Strategy requires that:

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics;
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;

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:

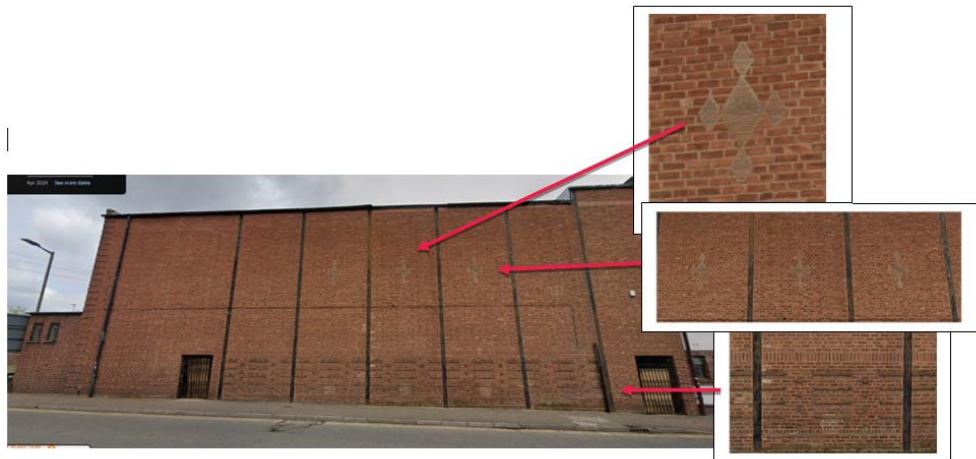
- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

Assessment of Proposal

Further to my comments on 13/01/2025, thank you for consulting me on the amended plans;
 DWG No 0000/2023/G100 Rev E Ground floor plans
 DWG No 0000/2023/G212 Rev C Proposed elevations A & B
 DWG No 0000/2023/ G213 Rev C Proposed elevations C & D

I note the location of the flue is to be on elevation D which is welcomed away from the public vantage points, however the request would be made for the external element of the flue to be matt black in colour to minimise further the visual appearance of the flue.

However in respect to other previous concerns raised, I note no change to elevation B. I would repeat those concerns – items 1 and 2 of the previous comments. The building was constructed as a theatre, and as such had blind elevation facing Westbury Street broken up by brick detailing. This brick detailing will be severely compromised by the insertion of windows on elevation B. As the use of the upper floor has not yet been ascertained, and therefore the requirement for fenestration, it is again requested that the fenestration be reduced on that elevation to maintain the expression of the brick detailing. The photograph below identifies the brick detailing referenced.



It is therefore again requested that to preserve the character and appearance of the conservation area in line with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (P(LBCA)A1990) and CS policies SD1 and LD4, and NPPF paragraph 219. Ideally the first floor windows should be omitted from the application until such time as a use apart from storage for the units below is being considered. However, should windows be essential despite a use not yet known, it is suggested that the four eastern windows be omitted from the proposal at this stage, retaining a blank elevation on the majority of this elevation, and retaining the diaper tile work.



The suggestions made above are in respect of external changes in a prominent location in the conservation area in the undertaking of our statutory duty under section 72 of The P(LBCA)A1990. I duly acknowledge the comments from the national cinema Theatre Association in respect of the significance and loss of the internal features including the historic paybox. Whilst the concerns are acknowledged, regrettably the interior of an unlisted building within a conservation area is afforded little weight, and can be removed without any requirement for planning permission. Having said that the historic paybox and signage in the proscenium end has survived the closure of the building as theatre and its safeguarding either in situ or donation to a museum would be welcomed if such conditions could be considered.

Whilst not objecting to the proposal, which provides a use for a large prominent building in the conservation area, the changes to the Westbury Street (B4361) elevation are not readily justified within the application, and the harm by the insertion of this extent of fenestration in a designed blind elevation would not preserve or enhance the character of this building or an understanding of its original use for which it was purposefully designed. As such the request to limit the fenestration on this elevation is again repeated. Without such changes to the Westbury Street elevation, it would not be possible to support the proposal in built heritage terms.

I look forward to receiving amended plans in due course.

4.2.8 Amended Building Conservation Officer consultation response – 30/09/2025

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies SS6, LD1, & LD4

The proposal

The proposal relates to the alterations to and change of use of existing building to allow occupation for Class E(b) / sui generis (hot food takeaway) use, including the provision of designated car parking area and alterations to existing elevations.

The site

The building is unlisted and prominently sited within the Leominster Conservation Area, which contains a high number of listed building some of which are adjacent to, or opposite this building, which form a tight grouping.

UID 1255513 28 South Street,

UID 1270260 24 & 26 South Street,

UID 1255493 22 South Street,

UID 1270265 Dutton House

UID 1255520 Wall at Dutton House.

Assessment of Proposal

Further to previous comments of 13/01/2025 and 27/06/2025, I note the amended plans drawing number 0000/2023/G212 Rev D and 0000/2023/F100 Rev D.

I acknowledge that 4 of the proposed windows that would have pierced the ornamental diaper work have been omitted from the proposed elevations, and whilst it would have been preferable for all the upper floor windows to be omitted until a use for the upper floors is known, the amendments do alleviate a number of built heritage concerns.

As such subject to the flues being painted a black colour as requested previously, the built heritage objections to the proposal are withdrawn, and no objections are raised to the amended plans, (subject to the flues being black in colour, which can be conditioned if preferred).

I would also request that the standard informative in terms of the signage be attached to the decision notice if the application is approved.

4.2.9 Environmental Health Officer (Air Quality) consultation response:

I refer to the above application and I would make the following comments in relation to air quality.

The application site is not located within the Bargates Air Quality Management Area (AQMA), however, it is in close proximity to the AQMA. There is the potential that a KFC restaurant and additional take away/restaurant will generate additional vehicle trips through the AQMA.

The application supporting information has not considered the potential impact on local air quality. A transport assessment has been submitted but does not include AADT information which can be used to screen the need for an air quality assessment.

The development does not include a drive-thru. However, there appears to be a delivery pickup area, which is likely to be used for meals to be collected by car.

The transport assessment appears to indicate that there will not be a significant increase in vehicle trips. I am unable to comment on this aspect of the application, but I would recommend that the Transport Assessment is agreed with Highways as the number of vehicle trips are essential to accurately assessing the potential impact on air quality.

Whilst pollution levels have improved at Bargates, committed development is still to be built out. Committed development will need to be considered together with this proposal to ensure that the cumulative impact is fully understood.

Due to the sensitivity of the AQMA and the difficulties in mitigating pollution levels within the AQMA I would recommend that further information is submitted to fully consider air quality impacts and mitigation actions where necessary.

4.2.10 Environmental Health Officer (Noise/Nuisance) consultation response: (date)

I have concerns in terms of the potential for noise, odour and general nuisance on nearby residential properties.

I therefore suggest that the following conditions are added to any permission granted:

Noise

Prior to the use hereby permitted, the applicant will supply an Environmental Noise Assessment to include a survey of the existing noise levels on site (including night time), details of mechanical services equipment along with predicted noise levels and mitigation, details of likely noise levels from customers using car parking spaces and congregating (dining in and collection), details of delivery times and likely noise levels with an impact assessment (and mitigation) for each of these noise sources. Noise assessment to be provided to and agreed by the LPA.

Odour

Prior to the use hereby permitted, the applicant will supply for each separate extract flue emanating from the proposal:

Exact type of filtration system, length of internal ductwork, residence time of the flue gasses, height of terminus and maintenance schedule. This is so that the proposed odour abatement can be evaluated and agreed with the LPA prior to use.

Litter

Prior to the use hereby permitted, a Litter Management Plan will be supplied to and agreed by the LPA, in order to control environmental contamination.

Vermin

Prior to the use hereby permitted, a Pest Control Management Plan will be supplied to and agreed by the LPA, to control vermin surrounding the premises.

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

5. Representations

5.1 Leominster Town Council comments:

Leominster Town Council request that this application is called in to the Herefordshire Council Planning Committee for the following reasons;

- Concerns about the accuracy of the traffic projections at this busy location between two roundabouts and the associated traffic generation.
- The proximity of the proposed fast food takeaway to three schools.
- Concerns about the preservation of the Art Deco Facade and interiors.

5.2 Leominster Civic Society comments:

Leominster Civic Society is keen to see this building, an iconic Art Deco Cinema and in an important position at the entrance to the town centre, put to use rather than being allowed to decay like the Royal Oak Hotel. Whilst it would be preferable to see it retained as an entertainment centre, any use that retains its character and important features is acceptable. Obviously, the absence of any details regarding the upper floor of the building raises some concerns. Most importantly the retention of the main entrance and the paybox is important. We note that the National Cinema Theatre Association has proposed that a fall-back position, the removal of the paybox and relocation to a suitable museum, and we endorse that.

5.3 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=242748&search-term=242748>

5.4 Public letters of representation:

12 Letters of objection have been received during the course of this application. The main points are summarised below:

- Increased level of litter and associated vermin
- Adverse impact upon highway and pedestrian safety with current highways infrastructure unable to cope due to housing delivery
- Increased levels of pollution and reduced air quality
- Low quality of food on offer and associated adverse impact upon health
- High number of existing fast food restaurants
- Adverse impact upon the architectural merits of the building
- Character of a hot food takeaway is detrimental to neighbouring Grade II listed buildings and wider setting
- Adverse impact upon private and public amenity from noise, additional light and smells
- The proposal compromises a registered fire evacuation route
- Adverse impact upon privacy and enjoyment of garden space
- Foul drainage remains unknown
- Alternative uses would be better.
- The number of covers proposed does not reflect the parking provision.
- Schools are located in close proximity
- Leominster is a deprived area and studies show links between deprivation and clustering of fast food takeaway establishments
- Introduction of a fast food use in such a large and prominent building further erodes Leominster's character.

18 Letters of support have been received during the course of this application. The main points are summarised below:

- Improves the variety of food outlets and Leominster's offering
- Retains the art deco foyer
- Employment provision
- Likely to attract people and bring attention to the Town
- Represents investment in Leominster which could lead to further investment
- Addition of a big name brand to the town is a positive thing to attract investment and footfall
- An ongoing use for a building to prevent it falling into disrepair
- With new housing development, bolstering the Town's offering is needed
- KFC brings with it its social funding and training initiatives
- Could act as a meeting place for younger people
- Other parking options are available nearby

4 general comments have been received during the course of this applications. The main points are summarised below:

- National Theatre Association

We are the national Cinema Theatre Association, as here: Cinema Theatre Association

And wish to comment on this application for the important Clifton cinema in Leominster. Please ensure these views are taken fully into account.

History and Architectural Quality

The Clifton cinema opened on the 31st October 1936, and was developed as part of the Clifton chain by the promoter Sydney Clift. It was designed by the architect Ernest Roberts, who designed many fine cinemas across the West Midlands. Its architectural quality is well expressed on page 58 of the Appraisal for Leominster Conservation Area. This was recently refreshed to support the Heritage Action Zone initiative:

The cinema has an imposing stuccoed concave entrance frontage with a large glazed window with deep moulded architrave, at right angles to which is a stepped blank wall against the Georgian terrace. Although unlisted, it has a distinctive architectural character while its prominent corner location ensures it forms a key element in views looking north along South Street and west along Westbury Street (Plate 23). Inside, the circular entrance foyer is very fine, and features an outstandingly important original pay kiosk - photo attached. Such kiosks are now extremely rare, and the Leominster one must be conserved in any scenario.

Townscape and Planning Status

The Conservation Area Appraisal makes clear the cinemas importance to Leominster:

- The map on page 13 shows it as a Landmark building
- The map on page 75 shows its status as a Non-Designated Heritage Asset

Views of the Cinema Theatre Association

We have studied carefully the application and note the objection sent on the 11th December by Julie Debbage. Town Clerk of Leominster Town Council.

The CTAs views are as follows:

1. A restaurant for take-away fast food is not the ideal use for a historic cinema, but may be justified if it makes possible the retention of other historic features.
2. The application proposes to use only part of the building: the owners should be encouraged to find an appropriate and sensitive use for the upper floor, accessed from the original foyer.
3. We welcome the proposal to construct the restaurant entrance at the west end of the cinema and leave the whole foyer block, with its fine circular interior completely intact.

4. The 1936 pay kiosk in the foyer is of outstanding importance and must be conserved in any scheme for future use of the building. This should be enforced by Planning Conditions as follows:
5. Two options are possible for the kiosk: that either 1) preferably that it remains in situ as a heritage feature; or 2) as a fall-back that the applicant pays for its careful salvage and relocation to an appropriate Museum. At least one Museum has expressed serious interest.
6. The CTA also wishes to salvage one historic sign from the proscenium end of the auditorium. The applicant should agree to facilitate this with us.

Please ensure that these points are included in any permission given, and let us know the outcome. We are happy to discuss detailed salvage arrangements with the cinemas owners.

- Additional comments from National Cinema Theatre Association
For the attention of Ms Debra Lewis, Conservation Officer.

Hello: We are the national Cinema Theatre Association and submitted substantive comments on this application on the 3rd January 2025. We have now seen the Heritage/Conservation comments from Ms Lewis dated the 13th January.

She does not mention the historic paybox, but we would like to draw her attention to it as a major, and very rare, feature of the Clifton cinema. Please see points 4 and 5 in our 3rd January submission.

We are actively contacting various museums in the hope that they can take and display the paybox. But as a fall back, any permission for this application must Condition that the paybox be properly conserved in situ in the original foyer.

Please could Ms Lewis e-mail us so we can discuss this:

- Consideration should be had for the tightening of legislation regarding proximity of fast food restaurants to schools

6. Officer's Appraisal

Policy context and Principle of Development

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

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

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Leominster Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 29 March 2019.
- 6.3 Having regard for the principle of development from the change of use of the building from a Sui Generis (bingo) use to a mixed Class E(b) / Sui Generis use, policies SS5, LO1, E1 and E5 of the Core Strategy and Policies LANP5 and LANP6 of the LNDP are most relevant and set out the following provision for development within Leominster.
- 6.4 Policy SS5 of the CS provides the strategic objections for the statutory development plan for Employment provision throughout the county. Traditional employment sectors including food and drink manufacturing and farming and associated agricultural employment is also supported. The

diversification of the business base through a variety of schemes can be facilitated where it can be demonstrated to not have an adverse impact upon the community or local environment.

- 6.5 Policy LO1 sets out that new development in Leominster town centre, for schemes providing employment provision will be encouraged where they maintain and enhance the viability and vitality of the Town Centre. Proposals should also ensure that they do not adversely impact upon the air quality management area of Bargates, do not undermine water quality targets and demonstrate appropriate engagement with the community.
- 6.6 Policy E1 states that the focus for the provision of employment within the county is to provide a range of locations, types and sizes of employment buildings, land and offices to meet local needs. Larger employment site proposals should be directed to the employment bases of Hereford and the Market Towns. Proposals that enhance the employment provision or help diversify the local economy will be supported by policy E1 where the proposal is appropriate in connectivity, scale and design, makes better use of previously developed land and provides opportunity for new office space in appropriate locations.
- 6.7 Policy E5 of the CS outlines measures to protect and enhance the vitality of town centre locations as retail, commercial, leisure, cultural and tourism places. Proposals which contribute to these aims will be supported by policy E5 where they do not adversely affect the primary functions of town centres as shopping destinations and are of a scale and design commensurate to the town centre location.
- 6.8 Policy LANP5 of the LNDP encourages business development within the existing designated employment areas, including the Enterprise Park as well as small live/work units and small businesses on existing employment sites. Supportable proposals should include new ancillary space for recycling, utilise low-carbon energy sources and green areas/planting. Proposals seeking to improve existing business premises and those seeking to improve Leominster's tourism offering and the sensitive regeneration of historic buildings is also supported.
- 6.9 Policy LANP6 of the LNDP sets out provisions for development within the designated Town Centre of Leominster of which the application is part of. LANP6 sets out that retail, office, commercial, cultural and tourism uses will be encouraged, subject to policies E5 and E6 of the CS. LANP6 also sets criteria development should meet in order to be supported by the policy. Relevant criteria includes the sympathetic re-use of and improvement of existing premises, new shop frontages should be in-keeping with traditional shop frontages, distinctive building features retained, secure areas for rubbish, appropriate signage and surfacing.
- 6.10 Having regard for the proposal, the application seeks to utilise an existing but currently unused building, located within the designated Town Centre, retaining its historic features, to be used for purposes likely to generate new employment opportunities for the Town. As such, the proposed development is found to accord with policies SS5, LO1, E1 and E5 of the CS and Policies LNAP5 and LANP6 of the LNDP subject to an appraisal of the relevant material planning considerations
- 6.11 Policy SC1 of the CS sets out that facilities including public halls, arts and cultural facilities, including theatres, public art and heritage centres, together with public houses, local shops and similar are all considered to be relevant within the bounds of policy SC1. Support is offered to proposals to protect and/or enhance community infrastructure. It goes on to state that Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success.
- 6.12 Policy LANP12 of the LNDP states that community facilities and services, such as community centres, buildings, health centres, and halls, will be protected for community uses.

Redevelopment for non-community uses will only be permitted where there is no longer a proven need for the existing use or alternative provision is available elsewhere in the town.

- 6.13 Appendix 3 of the Leominster NDP identifies Cinema/Bingo halls as community facilities and therefore the proposal to change the current use of the building as a bingo hall, to a fast food restaurant is not supported. To address this the application provides commentary on this policy tension within the submitted design and access statement. It states that the last use of the building as a bingo venue was October 2022. The design and access statement confirms that the building was placed on the market in September 2022 until March 2024 when the applicant completed the purchase. Having regard for policies LANP12 as well as SC1, the building has undergone a marketing exercise, having ultimately been acquired by the applicant, who confirms within their submitted design and access statement that during this 18 month period, no interest was received from bingo hall or cinema operators.
- 6.14 Policy LANP18 sets out provisions to improve Leominster as a tourist attraction and measures to achieve this including proposals that enhance visitor facilities and experience and re-use and improvement of key historic properties that currently have a particularly negative impact on the quality of the Town Centre environment.
- 6.15 In addition to this, the National Planning Policy Framework, together with Planning Practice Guidance, material considerations in their own right, specifically addresses public health in relation to fast food restaurants and their provision within the community. Paragraph 97 of the NPPF states that Local Planning Authorities should refuse applications for hot food takeaways and fast food outlets within walking distance of schools and other places where young people congregate, unless the locations is within a designated town centre, or in locations where there is evidence that a concentration of such uses is having an adverse impact upon local health, pollution or anti-social behaviour. As per policy LANP6 of the Leominster NDP, the application site is located within a designated town centre location and therefore accords with paragraph 97 of the NPPF.
- 6.16 PPG guidance regarding health and wellbeing states in paragraph 004 that planning policy and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates that this is appropriate. No such evidence base is available to the LPA to suggest that an over-provision of fast food restaurant uses exist within Leominster or specifically indicating high levels of obesity, deprivation or health inequalities in specific location. Paragraph 004 goes on to state that proposals may need to have particular regard to proximity to school and young people, odour and noise, traffic impacts and refuse/litter. Such considerations are appraised below.
- 6.17 Overall, having regard to the policies set out above, relevant to the principle of development for the change of use to a Class E(b) / Sui Generis hot food takeaway use, the proposal is found to accord with the provisions set out within these policies, subject to an appraisal of the relevant material planning considerations.

Highways:

- 6.18 Policy SS4 of the CS sets out the strategic context for highways matters in regard to development management. It states that new developments should be designed and located to minimise impacts upon the transport network and facilitate a genuine choice of modes of transport. It goes on to set out that development proposals likely to generate high journey numbers should be in sustainable locations and accessible by a range of modes of transportation.
- 6.19 Policy MT1 of the CS requires that all development proposal take into full consideration their potential impact upon the local highway network, including and effects on highways safety, traffic management and to include measure where appropriate to encourage sustainable and active forms of transportation.

- 6.20 Policy LANP19 of the LNDP addresses Leominster's community and highway infrastructure needs within the context of development management decision making. The relevant provisions within policy LANP19 state that where appropriate, development proposals should include measure aimed at reducing the need to travel as well as prioritise the needs of pedestrians and then cyclists over the needs of other transport users.
- 6.21 In the context of this application, it is important to note that the application site benefits from an existing lawful use as a bingo hall and the baseline from which to appraise material planning considerations, including highways impact should be in the context of this existing lawful use.
- 6.22 In regard to highways considerations, the proposal was reviewed by the LPA's Highways engineers and concerns were raised about the application relating to services/ deliveries, the Lay-by/Bus stop opposite the site, parking provision and the junction/access arrangement. In response to these concerns, the application has been amended to overcome these concerns.
- 6.23 The amended plans proposed have been reviewed by the LPA's Highways teams, confirming that servicing and delivery vehicles can be accommodated within the site. Subject to conditions restricting the use of the car park to staff, disabled spaces, general servicing and delivery drivers, provision of suitable cycle storage and construction of the vehicular access, LPA's Highways team have confirmed they have no further objections to the proposed development.
- 6.24 On the basis of the LPA's Highways teams comments, the proposal is therefore considered to be achievable without adverse impacts upon highways safety and traffic management to a degree that would be contrary to policies SS4 or MT1 of the core strategy, policy LANP19 of the LNDP or chapter 9 of the NPPF. Additionally, the application site is sustainably located within the designated Town Centre, adjacent to the town bus station, and offers space to park bicycles, while limiting customer parking, directly prioritising sustainable modes of transport over that of private vehicles, as per policy LANP19 of the NDP.

Ecology and Drainage:

- 6.25 Policy SS6 of the CS outlines the strategic view the Local Planning Authority (LPA) should take in determining development management decisions with regards to the quality of the environment and those natural assets which make the County distinctive. As such, development proposals should demonstrate the conservation and enhancement of those environmental assets that contribute towards the distinctiveness of Herefordshire. This includes settlement pattern, landscape, biodiversity and heritage assets.
- 6.26 Policy LD2 of the CS specifically deals with Biodiversity and Geodiversity considerations when determining development proposals with the LPA area. It states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire by protecting, restoring and/or enhancing biodiversity and geodiversity assets within the remit of the proposal.
- 6.27 Policy LD3 of the core strategy states that development proposals should protect, manage and plan for the preservation of existing and the delivery of new green infrastructure. This should be achieved by identifying and retaining green infrastructure corridors and linkages, including protecting valued landscapes, tree, hedges, woodlands and water courses, providing of on-site green infrastructure especially which enhance the network and by also integrating and connecting to existing green infrastructure networks.
- 6.28 The proposal lies within the hydrological catchment of the River Wye/Lugg SAC and therefore any development would be required to demonstrate with scientific and legal certainty the development proposal would not lead to an increase in phosphates entering the SAC. The application has been reviewed by the LPA's Ecology team, confirming that this is a commercial

development with no overnight accommodation, with previous commercial use as a bingo hall. In accordance with Natural England guidance the application is therefore not required to demonstrate nutrient neutrality and no Habitat Regulations Assessment (HRA) is necessary. The LPA's Ecology team did not raise any other concerns in respect to local ecology and with no other evidence to suggest any adverse impacts on protected species or local ecology interests, the application is subsequently deemed to accord with policy LD2 of the CS and chapter 15 of the NPPF.

- 6.29 The application form currently states that the existing drainage arrangement on the site discharges surface water run-off into the mains sewer. Welsh Water have requested that no additional surface water run-off be connected to the sewerage system and controlled via condition. The application site is largely impermeable surface already and therefore additional surface water run-off unlikely, however, in order to secure this as requested, the condition as suggested by Welsh Water is recommended.
- 6.30 The proposal does not seek to alter or otherwise change the foul or surface water drainage arrangements on site. Welsh water have confirmed that capacity exists to manage the proposed flows. They recommend conditions be attached and these are attached to ensure compliance with policies SD4 and SD3 of the Core Strategy.
- 6.31 As shown with the relevant planning history associated with the site, there was formerly a Copper Beach tree within the application site, benefitting from a Tree Preservation Order. In consultation with the LPA's Tree officer, works were approved in 2017 to remove this tree which has since been carried out. No other constraints have been raised on site by the LPA's Tree Officer. The application, due to its nature, is exempt from the need to provide biodiversity net gain since the site contains no onsite habitat with a value greater than zero, whereby the application is deemed as 'Di Minimis', under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024
- 6.32 Landscape, townscape, design and Build Heritage:
The application site lies within the designated Town Centre of Leominster as well as the Leominster Conservation Area. The site acts as a prominent building delineating the shopping core of the town. Having regard for landscape sensitivity and prominence of the site, policies SS6 and LD1 are relevant.
- 6.33 Policy LD1 of the CS requires proposals to demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.
- 6.34 Policy SD1 outlines the need for development proposals to create safe, sustainable, well integrated environments for all the community. Proposals should make efficient use of land and use sympathetic design to maintain local distinctiveness by using architectural detailing, and materials and respecting size, scale, massing and settlement pattern. Development should safeguard residential and public amenity and use physical sustainability practices in design as well as achieve or provide the ability for future implementation of active measures such as renewable energy solutions, efficient water management.
- 6.35 As set out above, the application site is currently vacant having not had the benefit of ongoing maintenance for a number of years, especially noticeable towards the West of the site, in the parking area. The proposal sets out to utilise the building and surrounding curtilage, securing ongoing maintenance for the building, while retaining the prominent and historically and visually important art-deco façade. The proposal seeks to insert six new openings into the South elevation, but proposes to retain the architectural brick detailing within the South elevation. Signage is proposed to be limited to one sign, away from the brick detailing and on the second storey. While the changes proposed divert from the existing building, the new openings break up

the existing stark brick wall fronting the roadside, leading to a less domineering appearance and a more cohesive relationship with the street scene and public domain.

- 6.36 The majority of the changes are proposed to what is currently the rear (West) elevation, away from the historic and visually important front and side elevations. These changes include the demolition of some of the elevation to simplify the façade and internal changes, while retaining the front and internal entrance in-situ.
- 6.37 Having regard to the proposals design and impact upon the townscape, notwithstanding the designated conservation area the site lies within, the proposal is deemed to preserve the most important elements and details of the building while bringing back into use and therefore routine maintenance. The works to the parking area will improve upon the existing state of the site, formalising the space to better reflect the central town location. Additionally, the proposed site plan indicates areas of additional planting on site which is a welcome addition and is recommended to be secured via condition. Overall the proposal is found to accord with policies LD1 and SD1 of the CS and policy LANP14 of the LNDP.
- 6.38 Being sited within the designated Leominster Conservation Area, policy LD4 is also relevant. Policy LD4 of the CS states that development proposals affecting heritage assets and/or the wider historic environment should aim to protect, conserve and where possible enhance such assets and their setting, in a manner appropriate to their significance. This policy reflects the aims of Chapter 16 of the NPPF to conserve and enhance the historic environment during the management of development proposals.
- 6.39 Following amendments to the proposed works to limit the creation of openings to the South elevation first floor which in doing so, preserves some of the ornamental brick detailing, which contributes significantly to the historic context of the building and wider setting. As such, subject to a condition to secure the flues being finished in a matt black, the Councils Historic Buildings Officer has confirmed no objection to the proposed development, having regard to policies SS6, LD1 and LD4 of the CS, together with policy LANP14 of the LNDP, chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Area's) Act 1990.
- 6.40 Environmental Health, Air Quality and Amenity:
The application seeks to functionally change the use of the building from a Sui Generis use as a bingo hall to a mixed use falling within Class E(b) / Sui Generis. Policy SD1 of the Core Strategy sets out the design expectations of development within the county as well as provision for protecting the public and private amenity of surrounding uses from unacceptable impacts upon development. Those relevant to this application include Noise, Light and air quality.
- 6.41 Having regard to matters of noise and light pollution from the proposed development, concerns relating to the impact upon private residential amenity as well as public amenity have been raised. The application site is located within a designated town centre location and benefits from an existing lawful use as a bingo venue. Having reviewed the planning history associated with this lawful use, no restrictions on opening hours or other matters relating to noise and/or light exist for the site. Therefore, consideration of the impacts the proposed use may have upon amenity can only be taken from the existing base line.
- 6.42 The works proposed do facilitate new openings within the South and West elevations of the building which is likely to lead to increased levels of light spill from the internal lighting. Additionally, some openings to the North elevation are proposed to be closed off leading to less light spill to the direction of private amenity space for the neighbouring properties.
- 6.43 The proposed openings to the South elevation face the public highway, lit by street lighting and the West elevation which faces the exit to the Town bus station. The proposed is considered to impose an adverse impact upon public or private amenity by virtue of excess light to a degree that would be contrary to policy, having particular regard for its Town Centre location. Given the

context of the site, the level of light spill from the proposed openings is unlikely to lead to an adverse impact upon private residential amenity to a degree that would be contrary to policy. A condition to control external lighting is proposed, in order to protect private and public amenity in perpetuity.

- 6.44 During the consultation period, concerns have been raised in regard to the signage that could be used upon the external elevations of the building and whether they would be illuminated. The plans proposed do also show areas to the external elevations set aside for signage. However, it is important to clarify that the application site lies within the Leominster conservation area and would otherwise require separate advertisement consent to erect external signage. The application here does not grant consent for the erection of any external signage. An informative is recommended on the decision notice to the effect.
- 6.45 Letters of representation have also been submitted, raising concerns in relation to noise from the proposed extractor unit to be installed upon the North elevation. The North elevation is known to be adjacent to private amenity space for neighbouring buildings and as such the proposed unit could increase the level of noise experienced beyond the existing lawful baseline.
- 6.46 The LPA's Environmental Health (Noise/nuisance) have reviewed the application and concur with the concerns raised in the submitted representation but advised that conditions securing details and/or mitigation in relation to Noise, odour, litter and vermin, the can overcome these concerns. Conditions include the provision an environmental noise survey, impact assessment and appropriate mitigation, including details of mechanical services unit(s), type and maintenance schedule of the odour filtration system, litter management plan and pest control management plan.
- 6.47 During the consultation periods, a number of representations and a consultation response outlined the presence of the Bargates Air Quality Management Area, designated to address a breach of acceptable levels of NO₂ within the area. The area covers the junction between Dishley Street and the A44, approximately 130m from the application site and is in place due to heavy traffic causing air quality concerns. The LPA's Environmental Health (Air Quality) team requested information to be submitted in order to address these concerns fully, specifically in relation to clarifying likely additional vehicle movements as a result of the proposed use to allow an assessment of the potential air quality impacts.
- 6.48 Since requesting this information, the application has been amended to limit the use of the car parking area to employees, delivery vehicles and delivery drivers. This approach was to secure highway safety within the local highway network, but also limits vehicle trips specifically to the site. In addition to this, the lawful use of the site as a bingo hall seating a large number of people is the base for which to consider the likely impact of the proposed use upon the highways network. The capacity of the bingo hall exceeds 100 people as shown within the marketing material for the property, attached to amended highways information received on 13 March 2025.
- 6.49 On the basis that the application site is located within the designated Town Centre of Leominster and the policy context significantly directing Class E retail and other commensurate Town Centre uses towards town centres to protect their viability and vitality, it is not considered proportionate to require the application to provide such a level of detail, given the existing lawful use. Separate control mechanisms for pollution is deemed sufficient in this context.
- 6.50 The proposed development has the capacity to generate extra refuse, above which the current use of the building is likely to generate. The LPA's Planning Obligations Supplementary Planning Document directs that the development proposal here is not considered to require to contribute via a Section 106 planning obligation. However, it is recommended that a litter management plan including the provision of suitable refuse bins for both customer and commercial waste is provided and maintained, via condition together with a pest control management plan as per the Environmental Health Officer (noise and nuisance) team consultation response.

6.51 Other matters:

Letters of representation raised issues relating to the use of a neighbouring property using the parts of the application site as part of a registered fire escape route. However, correspondence from the applicants solicitor, corroborated by land registry correspondence confirms that no legal right of access exists in order to facilitate this escape route. Notwithstanding the above, this would be considered a civil matter outside the remit of development management.

6.52 Additionally, the letters of representation have raised concerns about the proposed development having the potential to create elevated levels of anti-social behaviour in the immediate surrounding area. However, the site is currently underutilised with areas of land most benefiting from passive surveillance due to an inactive use. The proposal is to create two units consisting of a Class E(b) use (Hot food takeaway), located within a town centre and also provides to utilise another vacant plot. Having regard for the nature of the use and it's location, together with the provision of a more formalised and well surveilled site, the application is not considered to promote an increase in anti-social behaviour.

6.53 Conclusion:

There are no other matters considered to be material to the determination of this application and given the proposal is found to accord with the relevant policies contained within the statutory development plan and the provisions of the NPPF the proposed change of use from a Sui Generis (Bingo hall) use to units consisting of a Class E(b) use and associated works are accordingly recommended for approval subject to the conditions detailed below.

RECOMMENDATION

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

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

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

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (Unnumbered Site location Plan (received 24/10/2024), 0000/2023/G121 Rev F – Proposed site plan, 0000/2023/G100 Rev E – Proposed GF general arrangement, 0000/2023/F100 Rev D – Proposed FF general arrangement, 0000/2023/G212 Rev D – Proposed external elevation A&B, 0000/2023/G213 Rev C – Proposed external elevations C&D) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies LANP6 and LANP14 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

3. **Prior to the first use of the development hereby approved, an Environmental Noise Assessment to include a survey of the existing noise levels on site (including night time), details of mechanical services equipment along with predicted noise levels with an impact assessment and appropriate mitigation for each of the identified noise sources shall be submitted to and approved in writing by the Local Planning Authority.**

Works shall be carried out in accordance with the approved details and the development shall be carried out thereafter in accordance with the approved details.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

4. Prior to the first use of the development hereby approved, details of each separate extract flue proposed, including the type of filtration system, length of internal ductwork, residence time of flue gases, height of terminus, and maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

5. Prior to the first use of the development hereby approved, a Litter Management Plan, including plans for the provision of public waste bins within the site and commercial waste generated from the site shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1, of Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, a Pest Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy LNAP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

7. Prior to the first use of the development hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the development shall be submitted to and approved in writing by the Local Planning Authority.

The covered and secure cycle parking facilities shall be carried out in 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 to the requirements of

Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. All planting, seeding or turf laying in the approved plans (0000/2023/G121 Rev F) shall be carried out in the first planting season following completion of the development. 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 soft landscaping approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policy LANP9 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

9. 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.

10. The use hereby permitted shall not be open to customers outside the hours of [0900 to 2300] Sundays to Thursdays and [0900 and 2330] Fridays and Saturdays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

11. The use of the car park as identified on plan number 0000/2023/G121 Rev F shall be carried out strictly in accordance with the submitted Car Parking Management Plan (Received 31/07/2025).

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

12. All servicing and deliveries to the site shall take place within the designated on-site areas as shown on the approved plans within the Car Parking Management Plan (received 31/07/2025).

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

13. All external soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals proposed shall be supplied or painted matt black and maintained as such thereafter.

Reason: To safeguard the architectural interest and character of the building as a non-designated heritage assets and the character of the Leominster Conservation Area under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policy LANP14 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework

14. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to accord with policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVES:

1. The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

2. All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
- intentionally kill, injure or take any wild bird
 - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - intentionally take or destroy the egg of any wild bird
 - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

3. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.

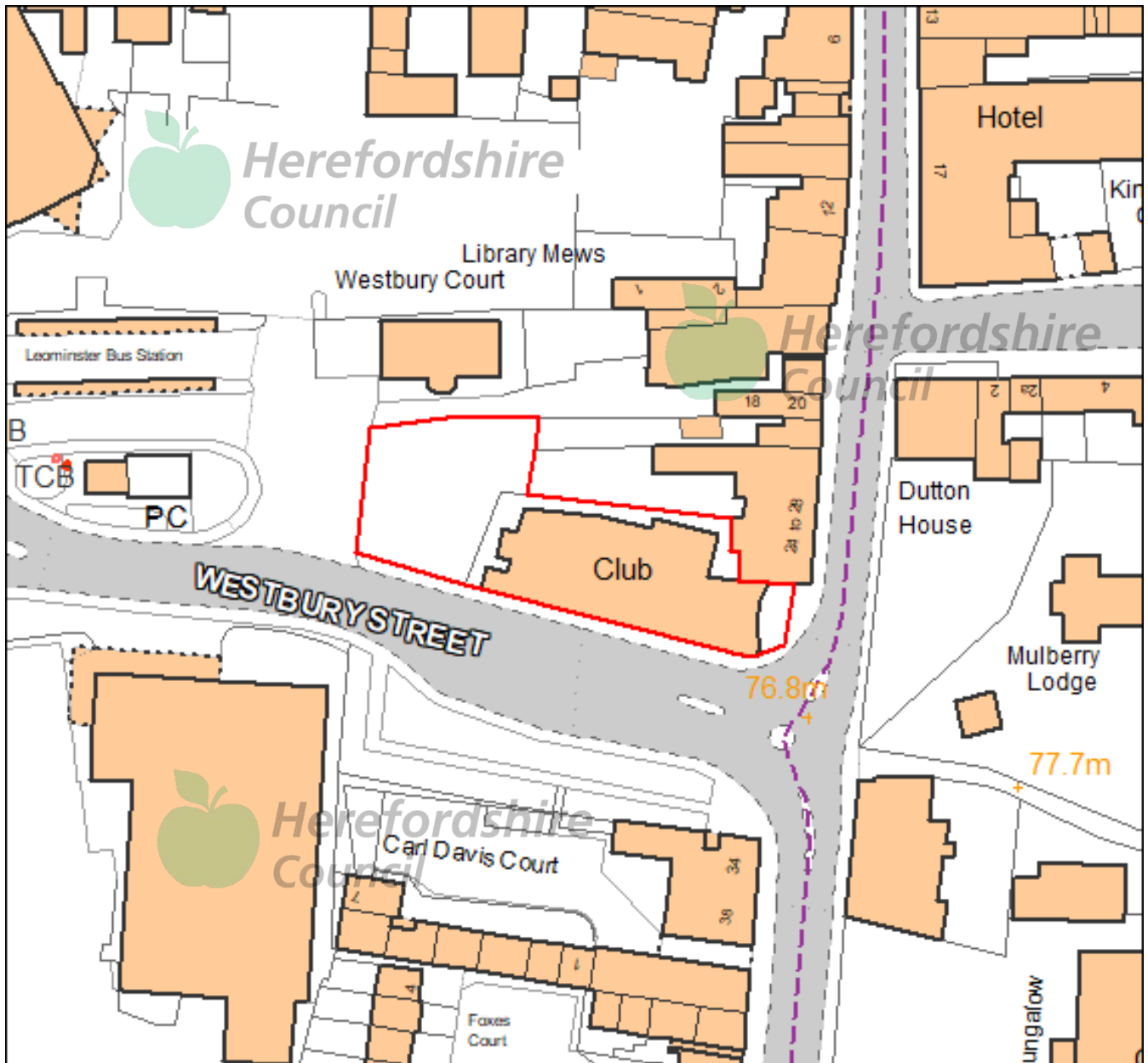
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 242748

SITE ADDRESS : 30 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JB

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 DECEMBER 2025
TITLE OF REPORT:	243059 - THE ERECTION OF ONE SELF-BUILD AGRICULTURAL WORKER'S DWELLING AND ASSOCIATED WORKS AT LAND AT GRENDON MANOR FARM, BREDENBURY, BROMYARD, HR7 4TH For: Mr & Mrs Piggott per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=243059&search-term=243059
Reason Application submitted to Committee – Redirection	

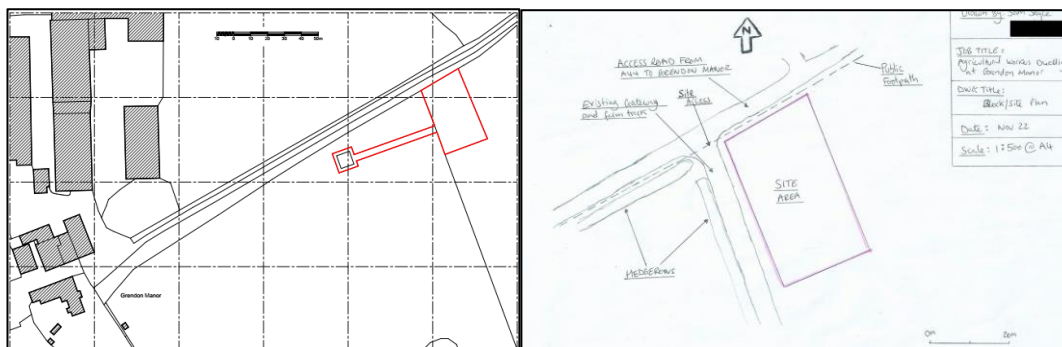
Date Received: 28 November 2024 Ward: Hampton Grid Ref: 359842,256699

Expiry Date: 23 January 2025
 Local Members: Cllr Bruce Baker

1. Site Description and Proposal

- 1.1 Grendon Manor Farm sits at the end of a private drive approximately 500 m south of the A44 and about 1.3 km west of Bredenbury (as the crow flies). The town of Bromyard lies approximately 4 miles south-east of the site, while Leominster is located 5.8 miles to the west. The farm comprises 250 acres of owned land, with an additional 150 acres rented. The site includes an extensive range of agricultural buildings, comprising six poultry sheds and twelve general-purpose structures used for lambing, workshops housing biomass boilers, cereal storage, vehicle storage, tool and material storage, and other agricultural functions. The farm currently has two on-site dwellings: Grendon Manor Farmhouse and a bungalow known as The Sticking Field, located at the top of the drive near the junction with the A44. Additionally, the farm owns a further dwelling on the edge of Bromyard, approximately 4.2 miles from the main farm.
- 1.2 The application site relates to a parcel of land at Grendon Manor Farm, located approximately halfway along the private drive to the farm yard.
- 1.3 The application seeks Outline planning permission for the erection of one self-build agricultural worker's dwelling and associated works with all matters reserved.
- 1.4 The application has been supported by the following:
 - Planning Statement
 - Location Plan (inserted below)
 - Site Plan (inserted below);
 - Ecology Statement (Arbor Vitae)
 - Drainage Test Report (William Stokes Consulting)

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855



- 1.5 The application can be accessed in the supporting documents section on the website:
[Planning Application Details - Herefordshire Council](#)

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
SS6	-	Environmental quality and local distinctiveness
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside
RA4	-	Agricultural, forestry and rural enterprise dwellings
RA6	-	Rural economy
MT1	-	Traffic management, highway safety and promoting active travel
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 Core Strategy can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Bredenbury and District Group Neighbourhood Development Plan (NDP):

The referendum for voters within the Bredenbury and District Group parish area was held on 6 May 2021. The plan received a positive referendum result and is currently awaiting adoption. This will follow the resolution of the issues within the River Lugg catchment area. At this time the NDP carries full weight.

BW&GB2	-	Development strategy
BW&GB5	-	Housing in the countryside
BW&GB7	-	Design of new housing
BW&GB10	-	Protecting and enhancing local character
BW&GB11	-	Heritage assets
BW&GB14	-	Transport and connectivity
BW&GB17	-	Agriculture and forestry enterprises

The NDP can be viewed on the following link:
<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/bredenbury-and-district-group-neighbourhood-development-plan/>

2.3 National Planning Policy Framework (NPPF):

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

The NPPF can be found on the following link:

https://assets.publishing.service.gov.uk/media/67aafef8f3b41f783cca46251/NPPF_December_2024.pdf

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

3. **Planning History**

App type/ No.	Description	Decision
P241281/CE	Pre-application advice for proposed erection of farm managers dwelling.	Concluded proposal is contrary to CS Policies RA2, RA3 and RA4.
P223950/O	Outline application for an agricultural worker's dwelling, the access for the development will make use of an existing stone farm track.	Withdrawn

4. **Consultation Summary**

Statutory Consultations

4.1 **Forestry Commission** – No response

4.2 **Welsh Water** – Qualified comment

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

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

4.3 **Area Engineer Highways – No objection**

No objections to the proposed, the site can access the highway by the existing access. The site can fully accommodate any provision for parking, cycle storage should meet HC guidance.

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

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

CAI - Parking – single/shared private drives
CB2 - Secure covered cycle parking provision

I11 – Mud on highway
I09 – Private apparatus within the highway
I35 – Highways Design Guide and Specification

4.4 **Further Ecology comments – Screened out**

The proposal is for the creation of ONE self-build agricultural dwelling with new associated foul and surface water flows (nutrient pathways created).

- No mains sewer connection is available at this location.
- A drainage test report by William Stokes Consulting was submitted by the applicant and is noted and referred.
- Due to the nature of the soil, the location does not have viable infiltration characteristics for a below ground drainage field for foul or surface water.
- The drainage report identified that the new PTP will discharge to an above ground drainage field / mound located on land under the applicant's ownership.
- Percolation results for PT04 identified a risk of nutrient pathways from the test hole to the existing land drainage through a broken land drain in the GWLA.
- A further report was submitted by William Stokes Consulting which confirms that the above ground drainage field will be located on the land west adjacent to the proposed site which is also land under the applicant's control where no land drains are located.
- The proposed is to install a Klargestor BioDisc BA to accommodate all foul water flows created with outfall further filtrated through a single pair of purpose-built reed beds (Klargester Reed Bed Filtration) before discharge to the above drainage field.
- The proposal is to manage all additional surface water created through appropriate onsite Sustainable Drainage Systems (infiltration).
- From supplied information the LPA has no reason to consider that this cannot be achieved at this location.
- The use of on-site Sustainable Drainage Systems-infiltration can be secured by condition on any planning permission granted.
- If any specific technical design matters need to be approved within the wider HRA approved scheme these can be secured by a separate condition on any planning permission granted. If a change away from a SuDS-infiltration scheme is finally proposed for detailed approval a new HRA appropriate assessment may be required at that time.

From information supplied within the submitted Drainage reports, the LPA can conclude with required scientific and legal certainty that the amended 7 criteria has been met as:

- The drainage field is over 7.6km (more than 50m) upstream from the River Lugg SSSI and;

- The drainage field is over 290m (more than 40m) upstream from the nearest surface water feature (The Rudhall Brook), and;
 - The drainage field in an area with a slope no greater than 15% (~6%), and;
 - No groundwater was encountered during groundwater and therefore it is at least 2m below the surface at all times and;
 - The drainage field will not be subject to significant flooding as recorded in flood zone 1 and;
 - The geology in this catchment comprises slightly acid loamy and clayey soils with impeded drainage. There are no hydrological pathways that would expedite the transport of phosphorous from the proposed above ground drainage field to the River Lugg and;
 - The applicant has confirmed that there are no other drainage fields within 200m of the existing drainage field on site due to the adjacent site being on cesspit.
- There will not be a significant increase of surface water from the proposed development.

Based on the available information on the existing drainage system the LPA is able to screen out this application from requiring any further HRA process and conclude that there are NO adverse effects on the integrity of the River Lugg (Wye) SAC from the proposed development.

4.5 **Initial Ecology** – Further information required

The application site lies within the 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 proposed development is for the erection of ONE self-build dwelling with associated new and additional foul and surface water flows (nutrient pathways) created.

- No mains sewer connection is available at this location.
- A drainage test report by William Stokes Consulting was submitted by the applicant and is noted and referred.
- The proposal is to utilise a package treatment plant to manage all foul water flows created by the proposed new residential dwelling.
- The drainage report identified that the new PTP will discharge to an above ground drainage field / mound located on land under the applicant's ownership.
- Percolation testing has demonstrated that an above ground drainage field is viable, but due to the nature of the soil, the location does not have viable infiltration characteristics for a below ground drainage field for foul or surface water.

- Percolation results for PT04 identified a risk of nutrient pathways from the test hole to the existing land drainage through a broken land drain in the GWLA. The report advised that trial holes should be undertaken to map the land drains before the final site of an above ground drainage field is determined. To ensure that the proposed PTP meets the 7 criteria for small scale flows set out in Natural England Guidance on Nutrient Neutrality to Local Authorities, the drainage field should be at least 50m from any land drainage feature which could expedite the transport of phosphorus.
- Furthermore, the proposed is to install a Klargestor BioDisc BA to accommodate all foul water flows created with outfall further filtrated through a single pair of purpose-built reed beds (Klargester Reed Bed Filtration) before discharge to drainage field.
- No certificate has been provided for this PTP. From information available to the LPA, the certificate does not provide a scientifically certain P reduction value. However the applicant has indicated within the Preliminary Ecological Appraisal by Arbor Vitae Environment Ltd (January 2025) that it has a phosphate output of 2mg/litre. Furthermore, from information currently available to the LPA there is no small private reed bed systems with a scientifically certain P reduction value.
- It would be the Council's strong preference to see a more efficient PTP through the provision of a new package treatment plant to treat waste showing use of best available technology (less than 1mg/l TP), specific examples can be found here: [List of Certified Small Wastewater Treatment Systems Up to 50PT](#).
- Land drainage should be consulted on the technical details of the final drainage plan to ensure they are achievable once submitted for any planning permission finally granted.

The information supplied is currently not sufficient for this LPA to be legally or scientifically certain that there are no pathways for phosphates created by this proposed development to enter the Lugg SAC catchment.

If the applicant wishes to progress this application additional professional reports confirming that all 7 of the criteria for soakaway discharge fields laid out in the Council's Position Statement can be met should be supplied to this LPA such that there are no additional phosphate loadings with any pathway to the River Lugg.

Once received the HRA process and required consultation with Natural England can be initiated.

No consent should be granted until such time as this HRA process has been fully and satisfactorily completed.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (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.

Notwithstanding the above:

Ecology

The supplied ecology report by Arbor Vitae dated January 2025 is noted and refers. This report confirms that there are no identified effects on local protected species populations or ecological interests from the proposed development. An informative to remind the applicant and their

contractors of their own legal duty of care towards wildlife protection during all construction works is suggested.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

Biodiversity Net Gain

As identified within the supplied documents, a Biodiversity Net Gain exemption applies to the proposed planning permission as the proposed development:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control of a minimum total of TWO bat boxes (or similar features supporting bat roosting) and FOUR bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

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

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

Protected Species and Dark Skies (external illumination)

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

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

4.6 **Landscape – Objection**

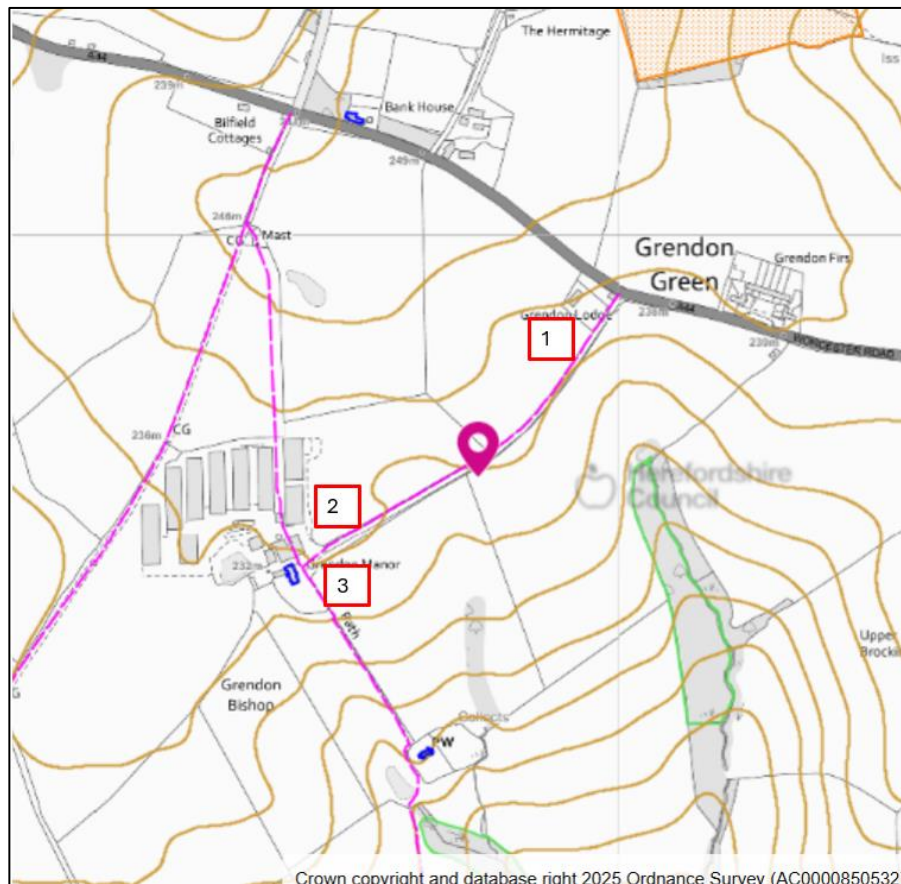
The site was visited 3rd April 2025. The site falls within landscape character type Plateau Farmland and Estates, as set out in the Herefordshire Landscape Character Assessment, April 2023. The farm and the specific site are typical of the rolling open plateau around Bromyard. It is sparsely populated and characterised by mixed farming interspersed with formal parklands and wooded dingles. The dispersed settlement pattern is of small estate hamlets and manor houses. Historic maps show Grendon Farm approached from the main road to the north along a tree lined avenue, with the Lodge building at the northern end.

There is no objection to the principal of a new dwelling at Grendon Farm, however I object to the proposed location as a negative impact on landscape character and visual amenity. It is not linked to existing built form and does not follow the historic pattern of development. It is at a high and isolated point in the landscape. For users of the main public footpath GB10 that follows the access drive, it would spread built form to the south, interrupting the beautiful panoramic views.

The landscape aspects of Policy RA4 would require the new accommodation to - 2) *...be sited in relation to other dwellings* and 3) *...make a positive contribution to the surrounding environment and rural landscape*. In landscape terms it would be preferable for a new dwelling to be much closer to the existing built form on the farm – see three possible alternative locations marked on the plan below. As this is an outline application, there is no information on how the proposed development would make a positive contribution to the surrounding environment, in fact at this location it is likely to interrupt the rural landscape as a negative impact that is out of character with the surroundings and drawings the eye as a detractor from the more natural surroundings.

The proposal should also take account of Policy LD1, which requires that development proposals should demonstrate that the character of the landscape has positively influenced the design, scale nature and site selection.

If the application were to be approved, then at reserved matters stage in relation to scale, it is anticipated that only a single storey dwelling could be suitably integrated with the wide, open landscape setting, reducing the impact on breaking skylines and reflecting the long low proportions of the farm buildings. On the matter of appearance the external design and materials should be locally distinctive and reflect the character of other nearby dwellings. On the matter of landscaping, it is anticipated that boundary treatments would be mixed native hedgerows, with associated tree planting and any other mitigation planting to strengthen surrounding hedgerows would be welcome to further integrate the building into the surroundings.



Notes:

- Location 1 is preferable. It is more visible from the main road, however it is adjacent to existing residential dwellings and more closely follows the settlement pattern of wayside dwellings.
- Location 2 retains development to the north of the access track.

- Locations 2 and 3 maybe restricted due to proximity to the poultry units, however in landscape terms they are both closer to existing built form, therefore strengthening the estate around the manor.
- Location 3 would be subject to assessment of the setting of the listed building Grendon Manor and its relationship with the listed church.

4.7 **PROW** – No objection

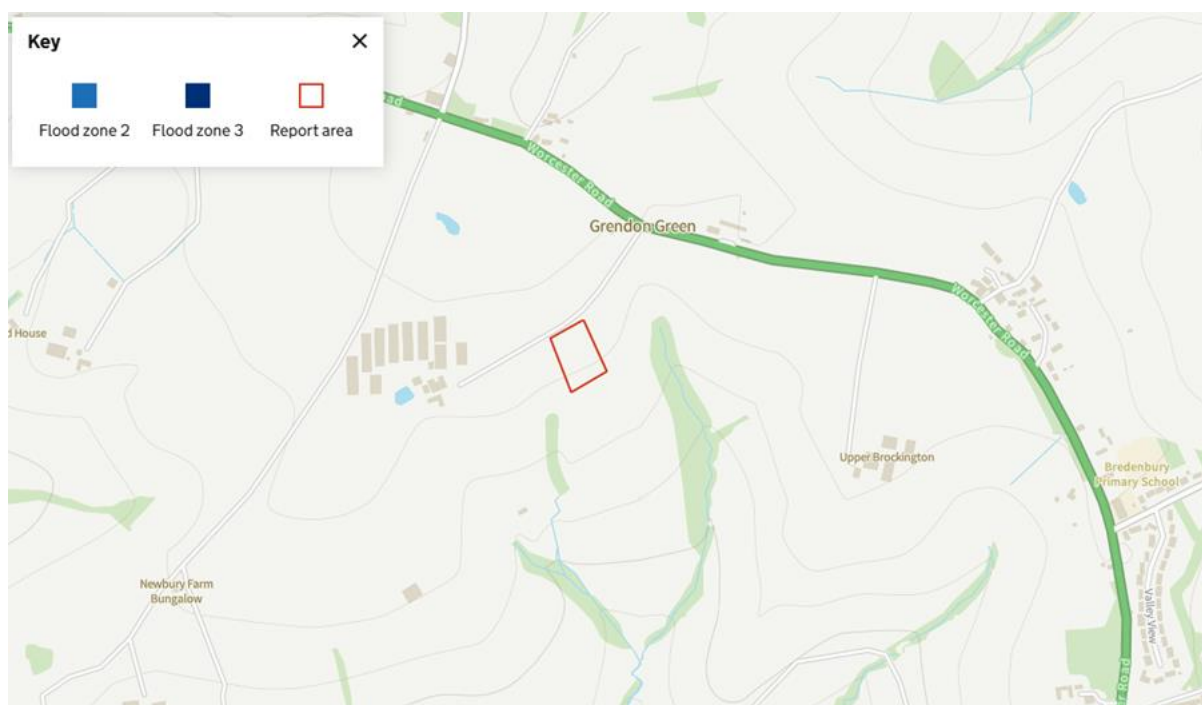
4.8 **Land Drainage** – Conditional no objection

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

- Application for Outline Planning;
- Site Location Plan (02/09/2025);
- Block/Site Plan (Nov 22).

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), September 2025



Overview of the Proposal

The Applicant proposes the construction of one dwelling on 0.1ha of greenfield land, which slopes gently to the east. The number of bedrooms has not been confirmed.

Flood Risk

Fluvial Flood Risk

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

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

Table 1: Scenarios requiring a FRA

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

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

Surface Water Flood Risk

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

Other Considerations and Sources of Flood Risk

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

Surface Water Drainage

A groundwater level assessment undertaken at 1m bgl recorded no groundwater.

Infiltration testing undertaken at the site at 1.5m bgl failed and a discharge to ground was deemed unviable.

In the drainage test report, it is proposed that surface water is attenuated in a pond or swale prior to an offsite discharge via a manhole with a vertical perforated pipe to provide attenuation of the downstream flow. It is unclear where attenuated surface water will be discharged. Further details will be required at Reserved Matters or Discharge of Condition.

Foul Water Drainage

Percolation testing undertaken at the site at depths of 0.7m and 0.3m bgl. An acceptable, but fast Vp rate of 21sec/mm was established for one of the 0.3m pits, which could support the construction of a drainage field. The other 3 pit tests failed.

Due to the presence of land drains at the site, further investigation is required to confirm the location of the high level drainage field. We assume a gravity fed foul water drainage system can be accommodated. No further detail regarding the construction of the drainage field has been provided. This will be required at Reserved Matters or Discharge of Condition.

Overall Comment

CONDITIONAL NO OBJECTION

We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of the surface water drainage strategy including attenuation feature and location of outfall.
- Confirmation of the foul water drainage strategy including location and construction details of the proposed drainage field.

4.9 **Agricultural Consultant – Objection**

Concluded: In accordance with planning policy and guidance, there is no essential need for a new dwelling at Grendon Manor.

Full report can be found at Appendix 1 of this document.

5. **Representations**

5.1 **Parish Council – Support the application**

At the meeting held on Wednesday 15th January 2025 Bredenbury Group Parish Council agreed to SUPPORT this application. Members are in full agreement with and fully support this application for a single dwelling.

The application meets the criteria of Policy BW&GB5 of the Bredenbury, Wacton and Grendon Bishop Neighbourhood Plan which deals with planning outside the settlement boundary and in the open countryside which meets exceptional circumstances, 'where it has been demonstrated that there is a functional and financial requirement for an agricultural or forestry worker's dwelling on an existing or proposed holding subject to Core Strategy Policy RA4'.

Third Party Representations

A total of 27 representations have been made to the Local Planning Authority, all for support. These responses are summarised as follows:

- This Piggott family are well respected and valued members of local community
- Proposal required due to nature of the poultry business
- Important to allow cover of the Poultry manager on days off/ holidays
- Proposal required for continuation of thriving business
- An additional house on the farm will help with rural crime
- The proposed dwelling would have an inconspicuous location

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=243059&search-term=243059>

6. **Officer's Appraisal**

6.1 **Policy context and Principle of Development**

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

6.3 *"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."*

6.4 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Bredenbury and District Group Neighbourhood Area. The referendum for voters within the Bredenbury and District Group parish area was held on 6 May 2021. The plan received a positive referendum result and is currently awaiting adoption. This will follow the resolution of the issues outlined within the River Lugg catchment area position statement (April 2021). At this time the NDP is considered to carry full weight in the decision-making process.

- 6.5 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 makes clear 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.
- 6.6 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 stands at 3.06 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.
- 6.7 Policy RA1, Rural housing distribution, explains that a minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development.
- 6.8 Policy RA2 of the CS states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built-up parts of the settlement. Bredenbury is listed under figure 4.14 as a settlement which will be the main focus of proportionate housing development. The Bredenbury and District Group Neighbourhood Development Plan identifies a settlement boundary for Bredenbury and the application site is neither within or adjacent to this area and is therefore regarded as being located in an open countryside location.
- 6.9 Outside of a defined settlements new housing will be restricted to avoid unsustainable patterns of development. Residential development will therefore be limited to those proposals which meet the criteria listed in Policy RA3.
- 6.10 The seven criteria whereby residential development outside of settlements is acceptable under CS Policy RA3 is as follows;
1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
 2. accompanies and is necessary to the establishment or growth of a rural enterprise, and
 3. complies with Policy RA4; or involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage of the existing dwelling; or
 3. would result in the sustainable re-use of a redundant or disused building where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or

4. is rural exception housing in accordance with Policy H2; or
5. is of exceptional quality and innovative design satisfying the design criteria set out in the NPPF; or
6. is a site providing for the needs of gypsies and other travellers

6.11 Policy RA4 then provides the basis for determining applications for agricultural, forestry and rural enterprise dwellings. It reads as follows:

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

1. demonstrate that the accommodation could not be provided in an existing building(s);
2. be sited so as to meet the identified functional need within the unit or in relation to other dwellings and
3. be of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape.

6.13 The usual expectation for applications seeking agricultural workers' dwellings is that they are supported by a detailed functional appraisal, substantiated by financial records for the enterprise. No such information has been submitted in support of this application. However, in this case the proposal relates to a well-established agricultural enterprise that is considered to be viable and likely to remain so for the foreseeable future.

6.14 Turning to each point in turn below.

6.15 **Point 1 – Existing buildings**

6.16 In terms of existing buildings, it is acknowledged that there are no other buildings which aren't currently used within the holding which are capable of conversion. Moving onto existing dwellings within the unit these are summarised in the table below.

<u>Dwellings on the farm</u>	<u>Existing occupants</u>	<u>Proposed occupants</u>
Main farmhouse	Mr & Mrs Piggott and their son Joe	Mr & Mrs Piggott – retired
Southern wing of farmhouse	B&B business	B&B business
Sticking Field bungalow	Applicants daughter (temporary arrangement)	Poultry Manager
Proposed new dwelling	N/A	Applicants son Joe
<u>Dwellings not on farm</u>		
124 Winslow Road, Bromyard	Poultry Manager	It is understood this dwelling is to be sold to help fund the proposed dwelling

6.17 The main farmhouse is to remain occupied by the applicants who have retired. Of relevance, the judgement involving Keen v SSE and Aylesbury Vale DC (1996) suggested that it is unreasonable to require the older generation to leave their farmhouse to accommodate the next generation. This section of the farmhouse is not, therefore, available to the farm.

6.18 The southern wing of the farmhouse is currently operated as a Bed and Breakfast business comprising five en-suite guest rooms. This accommodation is considered sufficiently substantial to form a separate and viable unit in its own right. Therefore, this part of the farmhouse could be made available to the farm. However, the loss of the Bed and Breakfast business would have financial implications, as it represents a successful diversification venture that is understood to

contribute positively to the farm's income and to the local economy. The enterprise has also benefited from its proximity to the recently established wedding venue at Bredenbury Court Barns. Nevertheless, no financial records have been submitted to support the claim made in the Planning Statement that the bed-and-breakfast income *"helps to underpin the financial sustainability of the farm."* However, the submission does not suggest that farming enterprise would not be viable without the Bed and Breakfast operation. Furthermore, no record can be found of planning permission for the change of use of the farmhouse to Bed and Breakfast accommodation. It is your officer's opinion that such permission is required for the change of use and absent of any such permission this element of the property has to be considered as a viable alternative to the provision of accommodation. Planning permission would of course be required to subdivide the dwelling but on the basis that the Bed and Breakfast use does not appear to have permission, it is considered reasonable to regard this part of the farmhouse as being available to the farm.

- 6.19 Turning to the bungalow at the farm entrance, this is known as the Sticking Field and has 3 bedrooms. At the time of the Officers site visit this was occupied by the applicants daughter however this was understood to be a temporary arrangement with the Poultry Manager set to move into the dwelling shortly if not already by the date of the committee meeting. The bungalow is therefore available to the farm and occupied by a full time worker.
- 6.20 Moving on to the other dwelling owned by the farm, this property is located on Winslow Road on the edge of Bromyard, approximately 4.2 miles from Grendon Manor Farm. This dwelling is also available to the farm.
- 6.21 There are also properties for sale within and close to Winslow Road. Dwellings for for sale closer to the farm have been discounted by the agent as being unaffordable to the farm.
- 6.22 Overall, when considering the dwellings available to the farm, only the southern wing of the farmhouse and the Winslow Road property are relevant, as the remaining dwellings are occupied either by retired farm members or by full-time employees. While the southern wing of the farmhouse could potentially be converted into an independent unit of accommodation, it is understood that this option is not desirable to the applicants due to the associated financial implications both to the farm itself and local economy. There is however a significant cost implication for the farm in the construction of a completely new dwelling, so arguably this is offset. In addition, although the Winslow Road dwelling is located off-site, it is currently, or has previously been, occupied by the Poultry Manager and lies within a 10-minute drive of the farm (as discussed below). As such, it is considered that the proposed accommodation could be provided within an existing building already owned by the farm, and therefore the proposal is contrary to Core Strategy Policy RA4.
- 6.23 **Point 2 – Functional need**
- 6.24 The most frequent reason for a functional need for a rural worker to be permanently based on a site, is so that there is somebody experienced to be able to deal quickly with emergency issues, which are likely to arise throughout the majority of the year, and during the middle of the night. Such scenarios most frequently revolve around the welfare of livestock.
- 6.25 The application seeks permission for the development of an additional dwelling on the site. According to the applicant's supporting statement, the primary justification for this dwelling relates to the operational requirements of the poultry enterprise, particularly the need to ensure continuous oversight of bird welfare. Poultry farming demands strict control of environmental conditions to maintain the birds' comfort, growth, and ability to exhibit natural behaviours. Key environmental factors include temperature, ventilation, and consistent access to feed and water.
- 6.26 An alarm system is installed within the poultry sheds at Grendon Manor Farm to monitor climatic conditions, boiler performance, and any issues relating to feed or water supply. This system is managed by an external monitoring company, which operates a tiered call-out procedure. In the

event of an alert, the system sequentially contacts the Poultry Manager, then Joe, and continues through the call list until confirmation is received that a member of staff is aware of and responding to the alarm.

- 6.27 The application documentation has been subject to independent review by an Agricultural Consultant engaged by the Council, who concludes:
- 6.28 *“Overall, there would be a functional requirement for a broiler unit of this scale to have an experienced employee based on site, or within a few minutes drive of the farm.*
- 6.29 *There will be required back up labour to the poultry manager for the day-to-day management of the unit, however given the automated nature of broiler farming, we do not consider there to be a functional requirement for more than the primary worker to be based within easy access overnight. With a properly functioning alarm and custodian system, one person is considered sufficient to respond to automatic system failure within a 15-minute timeframe.*
- 6.30 *Having a second worker based within easy access, might be convenient and potentially financially advantageous, however there is not considered to be a functional need for more than one person living close to the housing”.*
- 6.31 The Poultry Manager is, or will be, based on-site, ensuring that an appropriate person is available to respond to alarms. As such, the functional need is considered to be satisfactorily met under the existing arrangements.
- 6.32 The agent argues that there is a clear need for a second person to reside at site 24/7, mainly as it is not sustainable for one person to be on standby at all times.
- 6.33 Returning to the Winslow Road dwelling, the applicant’s supporting statement indicates that the Red Tractor Assurance Scheme requires alarms to be responded to within 15 minutes. When driving the route, the Officer recorded a travel time of 8 minutes, well within the required timeframe. The applicant’s submission suggests a slightly longer travel time of around 10 minutes; however, this also remains comfortably within the 15-minute requirement. The agent’s stated journey time of 10 minutes is not disputed.
- 6.34 Furthermore, the agent argues that the remaining time would be insufficient to respond to the alarm, get changed, travel to the site, and complete the necessary biosecurity procedures before entering the poultry sheds. However, it is considered that, particularly in an emergency situation, there is adequate time to respond promptly and begin travelling to the unit. In addition, biosecurity measures are specifically designed to be implemented efficiently, enabling rapid compliance without compromising hygiene standards.
- 6.35 It is therefore considered reasonable that an individual residing at the Winslow Road dwelling could reach the site within the required response time to address any alarms and/or to provide support or cover to the Poultry Manager based at Grendon Manor.
- 6.36 To summarise this point, the application proposes an additional dwelling to support the poultry enterprise, citing the need for continuous oversight of bird welfare; however, the independent Agricultural Consultant concludes that only one experienced worker is required to live on-site or within a short driving distance due to the automated nature of broiler operations and the effectiveness of the existing alarm and monitoring system. The Poultry Manager is, or will be, based on-site, meeting this requirement.
- 6.37 Although the agent argues for a second resident to ensure rapid emergency response and compliance with biosecurity procedures, assessments show that the Winslow Road dwelling is 8-10 minutes from the unit, well within the 15-minute response time required by industry standards, and biosecurity measures can be completed efficiently. It is therefore considered that a worker

residing at the Winslow Road property could adequately respond to alarms and support the on-site Poultry Manager, and that no functional need has been demonstrated for an additional dwelling. Accordingly, the proposal is contrary to the second point of CS policy RA4.

6.38 **Point 3 – Design and landscape contribution**

6.39 The application is made in outline and therefore no detailed plans and elevations of the proposed dwelling have been submitted at this stage.

6.40 The supporting text to Policy RA4 provides helpful context and is extracted below for ease of reference.

6.41 *“Where the need for a dwelling is established on the basis of proven essential need, preference should be given to the use of suitable existing buildings through conversion. Where this is not possible, any new development should relate closely to the activities for which there is a need. In most cases this will mean that the new dwelling should be sited in close proximity to existing buildings. Isolated locations or locations that could encourage farm fragmentation in the case of dwellings for agricultural enterprises should be avoided.”*

6.42 The site lies within the Plateau Farmland and Estates landscape character type identified in the Herefordshire Landscape Character Assessment (April 2023). It reflects the rolling open plateau around Bromyard, characterised by sparse settlement, mixed farming, formal parkland, and wooded dingles. Historic maps show Grendon Farm accessed from the north via a tree-lined avenue, with the Lodge at its entrance.

6.43 The application site is detached from existing built form and does not reflect the historic pattern of development. Positioned on a high and isolated point in the landscape, the proposal would extend built development southwards and disrupt panoramic views experienced by users of public footpath GB10, which follows the access drive. The Council's Landscape Officer has objected to the scheme, citing adverse impacts on landscape character and visual amenity. Accordingly, the proposal is considered to be contrary to Core Strategy policy LD1 and Bredenbury and District Group Neighbourhood Development Plan policy BW&GB10.

6.44 The supporting statement describes the application site as the most appropriate location within the site for a new dwelling by being located within sight and sound of the point of need without requiring the use of a vehicle, as well as providing additional security and surveillance to the site. However, in the Officer's view, these advantages could equally be achieved if the proposed dwelling were positioned closer to the existing built form on the farm, whether within the farmyard itself or near the farm entrance, and therefore do not outweigh the identified landscape harm.

6.45 **Access and highways**

6.46 Policy MT1 of the development proposals should incorporate the following principal requirements covering movement and transportation demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

6.47 Paragraph 116 of the NPPF reads that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

6.48 It is considered that the intensification in use of the existing access associated with the proposed development does not give rise to a severe impact on highway safety. The application site is considered sufficient to be able to accommodate any provision for turning, parking, cycle storage.

The Council's Area Engineer has raised no objections to the proposal subject to conditions. The proposal is considered to be consistent with Core Strategy policy MT1 and the relevant paragraphs of the NPPF.

6.49 **Drainge and habitat regulations**

6.50 Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, adverse impact on water quality, protect groundwater and improve biodiversity. Proposals should be located in accordance with flood risk assessment and sequential/exemption tests, take into account the lifetime of the development and if flooding is identified as a risk, include measures to reduce it. Development should also not result in a loss of open watercourse and culverts should be opened up where possible and where appropriate included sustainable drainage systems.

6.51 Development proposals should help to conserve and enhance watercourses and riverside habitats, where necessary through mitigation or management measures for the improvement/enhancement of water quality and habitat of the river.

6.52 Policy SD4 of the CS aims to ensure wastewater treatment and river water quality is maintained or enhanced as a result of development proposals. Proposals should aim to achieve water efficiency and/or reduction in surface water discharge and where possible connect to the existing mains wastewater infrastructure. Proposals should specifically seek to maintain or improve the integrity of the River Wye SAC and its subsidiary drainage basin.

6.53 The application here proposes the creation of a self-build agricultural workers dwelling. This proposal has been assessed and is likely to produce additional nutrient flows into the River Lugg/Wye SAC and therefore this needs to be sufficiently mitigated to accord with policy and legislation as outlined by Natural England.

6.54 The proposals drainage scheme is to install a Klargestor BioDisc BA to accommodate all foul water flows created with outfall further filtrated through a single pair of purpose-built reed beds (Klargester Reed Bed Filtration) before discharge to the above drainage field. The proposal is to manage all additional surface water created through appropriate onsite Sustainable Drainage Systems. From information supplied within the submitted Drainage reports, the Local Planning Authority can conclude with required scientific and legal certainty that the amended 7 criteria has been met and therefore the application is considered screened out from requiring any further Habitat Regulations Assessment process and conclude that there are no adverse effects on the integrity of the River Lugg (Wye) SAC from the proposed development. Both Land Drainage and the Council's Ecologist raise no objection subject to condition.

6.55 **Ecology and biodiversity**

6.56 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows.

6.57 The application is supported by an Ecology Report by Arbor Vitae dated January 2025. The report confirms that there are no identified effects on local protected species populations or ecological interests from the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act.

6.58 **Biodiversity Net Gain**

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

- 6.59 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 6.60 In relation to the requirement for mandatory 10% BNG, the application is promoted as a self-build project which benefits from an exemption. The continued compliance with the exemption will be controlled by condition limiting first occupation of the dwelling by persons complying with the legal definition of this tenure as set out in the Self-Build and Custom Housebuilding Act 2015.
- 6.61 **Heritage Impacts**
- 6.62 The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 of the CS is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed building and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest. Policy SS6 identifies that development proposals should conserve and enhance those environmental assets that contribute towards then county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.
- 6.63 Grendon Manor the main farmhouse is Grade II listed and located some 240 metres to the south-west of the application site, and 300 metres to the south-west another Grade II listed building, the Church Of St John The Baptist can be found. There is considered to be sufficient distance between the application site and the identified heritage assets to alleviate any concerns. No conflict with LD4 is therefore found.
- 6.64 **Conclusion**
- 6.65 The proposed development fails to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. While the application relates to a well-established and viable agricultural enterprise, the assessment concludes that the application as submitted fails to demonstrate that there is an essential need for an additional dwelling to be constructed at Grendon Manor Farm, as the essential need can be met by existing dwellings on the holding. Further assistance can be provided by occupants of the Winslow Road dwelling which would allow the occupant to respond to alarms and emergencies within the required 15-minute timeframe. The automated nature of the poultry operation, together with an effective alarm system, ensures that a second on-site worker is not essential. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

1. **The application site lies in the open countryside outside the confines of any defined settlement boundary as set out in the Bredenbury and District Group Neighbourhood Plan.**

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

Development in the open countryside is limited, amongst other things, to that which is essential to house a farm or forestry worker at or near to their place of work. In this particular case the Local Planning Authority concludes that the application as submitted fails to demonstrate that there is an essential need for an additional dwelling to be constructed at Grendon Manor Farm. The application is therefore contrary to Policies SS1 and RA4 of the Herefordshire Local Plan – Core Strategy, Policy BW&GB5 of the Bredenbury and District Group Neighbourhood Development Plan and Paragraph 84 of the National Planning Policy Framework.

- 2. The proposed development, due to its elevated and isolated location within the rural landscape, its detachment from existing built form, and its failure to reflect the historic pattern of development, would result in adverse impacts on the character and visual amenity of the area. For these reasons, the proposal is contrary to Policies RA4 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BW&GB10 of the Bredenbury and District Group Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP3 - Application Refused Following Discussion – No Way Forward

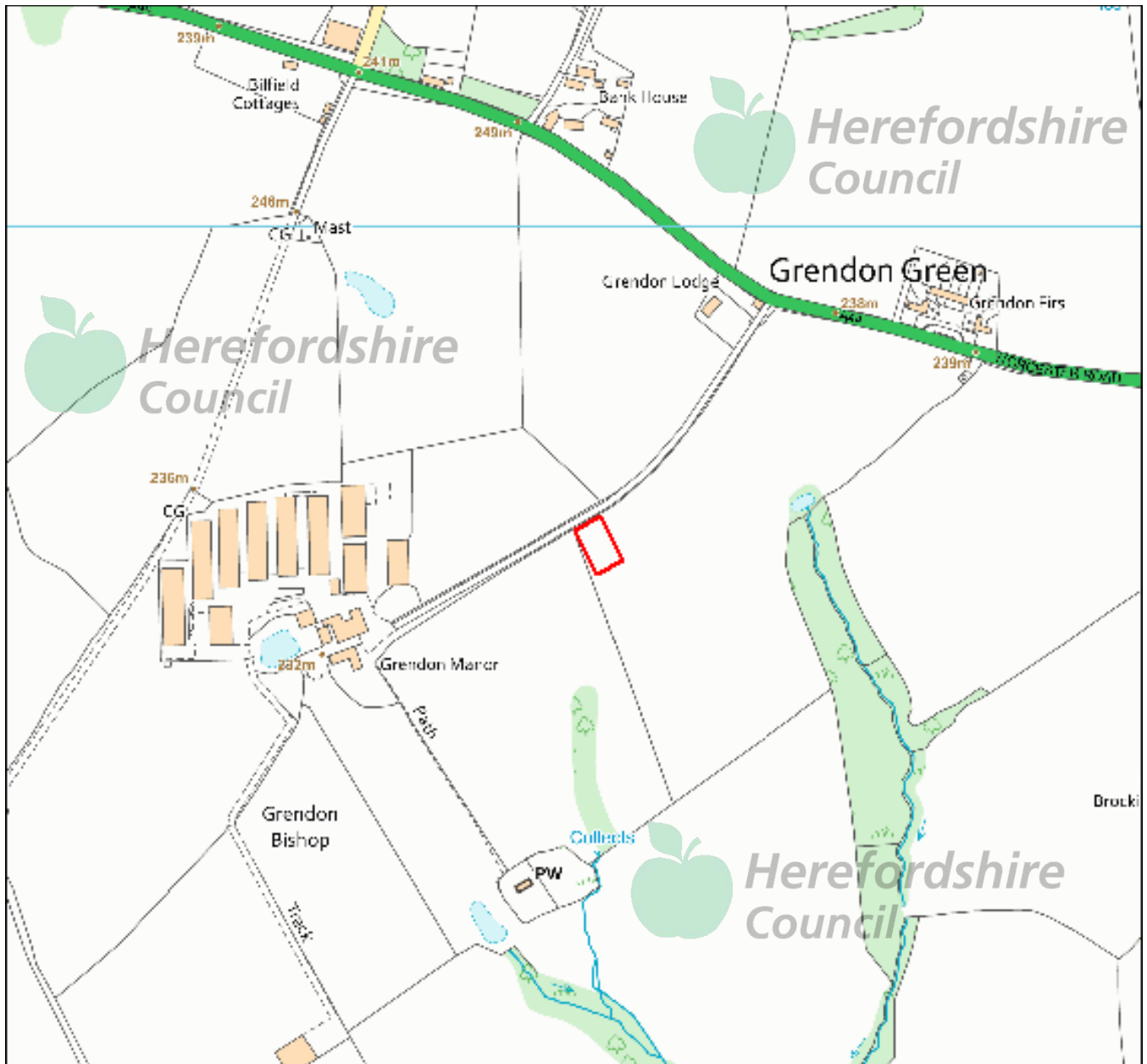
Decision:

Notes:

.....

Background Papers

None identified.



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APPLICATION NO: 243059

SITE ADDRESS : LAND AT GRENDON MANOR FARM, BREDENBURY, BROMYARD, HR7 4TH

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FOX RURAL

PLANNING & LAND MANAGEMENT

HEREFORDSHIRE COUNCIL
RURAL PLANNING APPRAISAL

PROPOSED RURAL WORKER'S DWELLING

AT

**GRENDON MANOR
BREDENBURY**

PLANNING REFERENCE – 243059

REFERENCE

FOX RURAL has been commissioned to provide an appraisal of the justification of a new farm worker's dwelling at Grendon Manor, Bredenbury, further to an outline planning application.

Previously I had met the applicant (Massie Piggott) and family members, together with their agent, plus Amber Morris and Ollie Jones in attendance, on 2nd July 2024, in relation to an application for pre-application advice on the proposal for a new dwelling. As a result, it was agreed that a desktop appraisal was appropriate on this occasion.

1.0 OVERVIEW

1.01 Location

The farmstead is situated to the south of the A44 just to the west of Bredenbury.

OS Grid Reference - SO595567.

1.02 Background and History

There are currently two dwellings on the farm, and an outline application was submitted in 2023 (P223950/O) for a further rural worker's dwelling. I was then commissioned to undertake an essential need appraisal which I submitted to the authority on the 26th April 2023. I concluded that there was no essential need for a further dwelling at Grendon Manor. The application was withdrawn in July 2023.

The situation then changed with one of the dwellings, previously not available to the farming business becoming available, since the recent death of the applicant's father. In addition, the applicant had made the decision to retire as from August 2024, with the intention to hand over the management of the farm to his son [REDACTED].

It was in light of these changes/proposals that the applicant wanted to explore the possibility of applying again for a worker's dwelling, which would be a residence for ■■■, whilst the applicant would continue to reside in the farmhouse.

An application for pre-application advice was submitted (241281), and despite the change in circumstances, the conclusion was that there was no essential need for a further dwelling.

The applicant has now applied for the dwelling based on an opinion that there is an essential need, whilst raising issues with regard the Fox Rural pre-application appraisal.

This appraisal will look afresh at the case taking into account the latest submitted documents.

2.0 CURRENT SITUATION

2.01 Ownership and Occupation

Grendon Manor consists of dwellings, modern farm buildings and c250 acres.

A further 150 acres nearby is farmed on a Share Farming Agreement.

All is farmed by the farming partnership 'MG, SJ & JJ Piggott' which consists of Massie Piggott, his wife ■■■ and son ■■■.

2.02 Enterprises

Arable

Around 350 acres of arable crops are grown each year, which include Winter Wheat, Winter Barley, Oil Seed Rape, and Oats.

Sheep

There is c50 acres of grass leys and pasture on which the family run a flock of c300 ewes which include North Country Mules and other commercial breeds. Charolais and Texel tups are used. The flock is lambled in two batches spanning February to April.

The lambs are finished and sold either direct to [REDACTED] or through Hereford Market.

Poultry

The family had reared Turkeys for nearly 30 years but have now changed over to Broilers through converting the existing sheds. These sheds now produce 168,000 broilers per flock and c7.5 flocks each year i.e. 1.26 million birds per annum with the partnership still contracted to [REDACTED].

[REDACTED] supplies the day-old chicks. There would then would typically be a thinning of approximately 30% of the flock at around 30 days with the remainder killed at 36 to 40 days. The removal of smaller birds, maintains the stocking density in accordance with regulations and also satisfies markets for smaller birds.

The sheds are automated with regard feed and water. They are insulated and equipped with automated ventilation and heating systems to maintain house temperatures on or close to the optimum temperature appropriate for the age of the birds, regardless of outside temperature.

There is a wood chip biomass boiler that provides the heat with gas back up in case of blockages or issues with electricity supply.

As the birds grow and the live mass increases, the heat given off from the birds increases and the houses require less heat input. This will of course depend on the time of year, and the system relies on constant automated adjustment.

Prior to slaughter, broilers are “caught” before being transported to the works. This work is carried out at night, so as to minimise stress to livestock. Catching staff and transport is provided by [REDACTED], whilst the family would be responsible for overseeing the process in order to ensure bird welfare.

Following the transport of birds off farm, extensive cleaning and maintenance is required before the next crop arrives. These works include removal of litter, cleaning the sheds and putting down fresh bedding. Automated systems including feeders, heating and water supply are maintained and primed during this period. This work is organised by the family, and typically, there would be c7 days between crops.

To combat the issue of automated system failure, the sheds are connected to an alarm system as installed by [REDACTED]. The system monitors the temperature in the sheds and triggers alarms for unintended climate changes, and also production equipment failures eg feed and water lines. In the event of a power cut there is an automated generators that kicks in.

Whenever there is a ‘breakdown’ there is an audible alarm for each of the sheds. In addition, the alarm system is monitored by [REDACTED] Ltd who via a tumbledown system dial in turn the Poultry Manager then [REDACTED], and continue dialling until a response is received that a member of staff is aware of the alarm. If the audible alarms are

heard first then the person responsible has to ring Custodian and submit a code to stop/prevent the dialling.

Once aware, then the person responsible would have to get to the sheds as soon as possible to identify and rectify the situation. It should be noted that temperature response levels are set within parameters to allow sufficient notice and time to take appropriate action.

Animal Feed

The family produce a variety of animal feed mixes for sale utilising home grown arable crops and their own mill and mix unit.

I understand that they have been providing this service for local livestock farmers since the mid 90's. The buyers have to collect the feed from Grendon Manor.

Bed & Breakfast

The family has built up a successful B&B business, annexing the southern wing of the house and creating 5 ensuite bedrooms. This enterprise has been boosted by the nearby and recently created wedding venue of Bredenbury Court Barns.

2.03 Labour

Massie Piggott [REDACTED] was full time on the farm, [REDACTED]
[REDACTED] he has now retired from physical farm work. A full-time farm labourer is being sourced to fill this gap.

■■■ Piggott ■■■ is now managing the day to day running of the farm, especially in respect of the Arable, Sheep and Feed enterprises, and helps out with the broiler unit, which was one of the roles his father undertook.

■■■ Piggott, will I understand continue to manage the B&B business and oversee the farm accounts.

The partnership also employs a Poultry Manager and a General Farm Worker, with contractors used for round baling and hedge cutting.

2.04 Buildings and Equipment

There is a range of modern buildings at Upper House Farm yard including:

- 6 poultry sheds
- Grain storage
- Straw storage/ Livestock Shed
- Machinery Store and workshop
- Fertiliser and Chemical storage
- Wood Chip Biomass boiler.

2.05 Dwellings

Mr & Mrs Piggott and their son ■■■ live in the main part of the farmhouse.

There is a 3-bedroom bungalow called 'Sticking Field' which is owned by ■■■ Piggott and was occupied by Massie's father until he recently passed away. It is understood that the applicant's daughter has temporarily moved in.

The family also own a house in Bromyard namely [REDACTED] Winslow Road, Bromyard, [REDACTED] which is occupied by the Poultry Manager. The general farm worker lives in Bartestree.

The plan is for the poultry manager to move into 'Sticking Field' and the proposal as per the application would be to develop a new dwelling at the farm for [REDACTED].

4.0 ESSENTIAL NEED APPRAISAL – RURAL WORKER'S DWELLING

4.01 Approach

As way of background, Clause 88 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses;

In accordance with Clause 84 of the NPPF, planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where:

a) “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”

The reference to the “essential need for a rural worker..... to live permanently at or near their place of work”, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7.

Despite the NPPF having superseded Annex A of PPS7, Annex A did provide clear criteria to assessing the 'essential need' for a rural worker's dwelling. This guidance is tried and

trusted, and it is sometimes used as further reference by professionals and planning inspectors.

In July 2019, further guidance was added to the Planning Practice Guidance (PPG) under the *Rural Housing* section of *Housing Needs of Different Groups*, with regard to considerations that might be relevant to take into account, when applying paragraph 79(a) of the NPPF 2018, (which is the same wording as paragraph 84(a) of the NPPF 2021).

These are:

- “• evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products;*
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Importantly *Policy RA4* of the Core Strategy – *Agricultural, forestry and rural enterprise dwellings*, clearly reflects similar criteria of justification.

In summary, paragraph 84(a) of the NPPF, now read in conjunction with the recent PPG guidance, plus CS Policy RA4, all reflect similar areas of requirement in making a case for there being an essential need, all of which I shall cover.

4.02 Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site, is so that there is somebody experienced to be able to deal quickly with emergency issues, most frequently revolving around the welfare of livestock, and which are likely to arise throughout the majority of the year, and during the middle of the night.

There would not normally be a functional requirement for there to be somebody on site with respect to an arable enterprise. The main issue here would be the matter of security.

Security

Security and rural crime is always an issue for farms and of course it is going to be a factor when considering functional need.

There are already two dwellings at the farm, which would be a significant deterrent to intruders, and in any case, although security is a factor, it can never be an overriding.

Security can be a contributing factor and every situation must be judged individually. This farm for instance would not be considered as vulnerable as one on an urban fringe or in a particularly remote location. In addition, if farms are considered particularly vulnerable to intrusion, there are always steps that can be taken to make a yard, buildings and equipment more secure.

Sheep

For the majority of the year the sheep will be out grazing and brought back to the yard for dipping, treatment, shearing, and lambing.

The important point to make here is that whether there is a dwelling available on site, does not affect the welfare of the ewes and lambs during the lambing period, since lambing is something that is planned for, and the duties to be actually in and around the lambing ewes can be likened to shift work. In other words, a dwelling nearby is superfluous when comes to the practicalities of lambing, since the person responsible will be in and around the ewes as and when required.

Many sheep businesses station a touring caravan on the farm to house a student (typically veterinary or agricultural) during seasonal lambing. Not because there is a functional need for onsite accommodation, but to provide “off shift” accommodation for that person who might have come far, and the business not being in a position to source short term accommodation, plus of course provision of basic facilities where they are not already on site.

Poultry

The day-to-day management of a broiler unit has to be meticulously planned for, with routines varying with each stage of flock development. When birds are ‘in’, this will involve checking the birds a few times a day and sometimes late, depending at what stage, plus monitoring the automated systems and the bio-mass boiler.

During normal working hours, and during the periods when birds are in, there would be a worker in and around the poultry buildings. The need for a worker to be based nearby therefore arises mainly during the night time hours when there could conceivably be an

electricity supply and/or breakdown in the automated system or issues with the biomass boiler.

Issues relating to temperature and ventilation cause particular issues particularly during hot weather with large birds or conversely during cold weather with young birds. Failure of ventilation/heating can certainly affect the feed conversion ratio and loss of birds if left too long.

In the case of a feed line stopping then the birds can start to drink more to compensate which has the effect of flushing the food out of their system which can lead to mortalities.

In terms of adequate heating, which is particularly important with young chicks, a worker would need to be available to deal with issues relating to the biomass boiler, such as a blocked augur. Other typical issues may be a power-cut in which case a worker would be needed to ensure the back-up generator was functional.

However unlikely it might be that a system failure actually results in a welfare emergency, there is always the potential every time the alarm is raised, and therefore there is considered to be a functional need for somebody to be based close enough to be able to get to the site sufficiently quickly during those periods the houses are occupied to assess the situation, which is a scenario that could occur anytime in the year.

Bio-security is an increasing consideration when looking at the location of key workers for the prevention of diseases such as Avian Flu, and generally more stringent requirements of supermarkets. Bio security measures are still also expected to be adhered to for accessing the sheds in case of emergencies which has to be factored in.

It is difficult to assess what the maximum response time required from being aware of the alarm activation to presence at the site for welfare of the birds, since the

circumstances will vary. One comes across so many figures but I am aware of 20 minutes timescale within which to attend broiler housing the housing having been used/accepted in the past when considering rural worker's dwellings.

However, since my last report I am now aware of a Red Tractor Assurance maximum response time of 15 minutes, as referred to in the supporting letter from [REDACTED].

Although I failed to locate this figure within the Red Tractor Assurance Scheme Manual for Broilers & Poussin 1st October 2017 (Updated 1st October 2019), I am happy to accept this as the required response time for the purposes of this application.

Overall, there would be a functional requirement for a broiler unit of this scale to have an experienced employee based on site, or within a few minutes' drive of the farm.

There will be required back up labour to the poultry manager for the day-to-day management of the unit, however given the automated nature of broiler farming, we do not consider there to be a functional requirement for more than the primary worker to be based within easy access overnight. With a properly functioning alarm and custodian system, one person is considered sufficient to respond to automatic system failure within a 15-minute timeframe.

Having a second worker based within easy access, might be convenient and potentially financially advantageous, however there is not considered to be a functional need for more than one person living close to the housing.

If for some reason during a crop cycle, the farm manager had to stay away, it would be possible for somebody, to stay on site as temporary short-term cover if that second person

was not based close enough. This scenario could be house sitting, staying in a touring caravan, or in this case in one of the B&B rooms.

4.03 Full Time Labour

The proposed dwelling is destined for ■■■ Piggott who is already fully employed on the farm.

4.04 Establishment and Viability

I have previously seen the partnership accounts and consider the business to be viable and likely to remain as such for the foreseeable future.

4.05 Alternative Dwellings

The approach is to firstly investigate the availability of existing dwellings and ensure that, to quote Paragraph 3 (iv) of Annex A, “the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned”.

Taking this into account, one would normally look at the potential availability of any other relevant dwelling(s), in the light of the need of the enterprise. To quote Paragraph 1 of Annex A to PPS7, “Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved”.

However, it is clear from cases such as Keen and Cussons, that personal circumstances of individuals with regard their homes, can be considered. In this particular case I do not feel that one can attach any weight to the farmhouse, if the intention is for the applicant to shortly retire and continue to reside here.

In essence, one is looking at whether there are any dwellings available or potentially available to the farming business, that would render the proposal of a new worker's dwelling non-essential.

The main functional requirement would be to have somebody readily available to deal with issues arising out of hours in respect of the broilers.

However, since the Poultry Manager will be moving onto the farm, then a case has not been established that he could not undertake the primary responsibility of attending in the case of an alarm.

We have also to consider the potential role of the dwelling in Winslow Road. This dwelling is on the eastern fringes of Bromyard and c3.6 miles from the farm yard and the question to be asked is whether this property could also fulfil the functional requirement, or to be more specific whether it is close enough and sufficiently accessible to Grendon Manor to enable quick enough response to alarms in connection with the broiler housing or the Bio Mass boiler.

It is accepted that the demands of both the broilers and the Bio-Mass boiler might require regular attendance and monitoring during unsociable hours, and that it would be much more convenient, if that person was within easy walking distance as opposed to relying on motorised transport.

However, it would seem inconceivable that somebody living in Winslow Road could not get to the broiler unit or AD Plant well within 10 minutes and at the very least, and provide support to the primary person based at Grendon Manor.

There is at the start a few metres of 30mph limit after which the journey would mean travelling within the national speed limit of 60mph on the A44. If one takes the distance

to be 4 miles then the journey at an average of 50 miles per hour the time taken would be under 5 minutes. It would be inconceivable that somebody based at Winslow Road could not get to the broiler unit within 15 minutes.

There are also properties for sale within and close to Winslow Road which could equally cover the functional need.

Another consideration would be to create a further dwelling out of the main farmhouse. This would inevitably have serious consequences for the B&B enterprise which is an important diversification enterprise. However, it is an option that could be explored further in the event of there being an essential need to provide further independent accommodation for a worker at the farm in the future.

In summary there is considered enough housing options to cover the welfare of the broiler flock. To have a further dwelling at Grendon Manor might be considered convenient and ideal for the family, however the requirement is to assess whether the proposal is **essential** not whether it is reasonable.

5.0 OTHER PLANNING MATTERS

5.01 Succession

Paragraph 80 of the NPPF introduces a new element to the exception circumstance of essential need for a rural worker to live on site, where it refers to “**those taking majority control of a farm business**”.

The PPG refers to the consideration of “ **whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process**”.

This is taken to mean that the requirement for the dwelling(s) might also be linked to business succession, and thereby enabling the continuing essential need for a permanent presence to be fulfilled by a suitable and eligible person, (say a son or daughter), whilst the retiring relative(s) can continue to reside in the original dwelling.

■ is ■ with a good number of years of farming experience under his belt, and would no doubt be considered suitable and eligible to take over the management of the farm.

With the applicant basically retired and his intention to remain in the farmhouse, it is clear that ■ will need a dwelling of his own on or within a quick commute of the farm. What is also clear, is that there are options to achieving this, aside creating a new dwelling at Grendon Manor, without affecting “continued viability” of the farm.

6.00 Conclusion

In accordance with planning policy and guidance, there is no essential need for a new dwelling at Grendon Manor.

Signed _____

Robert Fox BSc (Hons) FAAV

Date: 7th February 2025

