

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 25 February 2026**

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Time: **10.00 am**

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

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

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

Tel: 01432 383690

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

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

# **Agenda for the meeting of the Planning and Regulatory Committee**

## **Membership**

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

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Matthew Engel**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Charlotte Taylor**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

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<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of items on the 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).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## Recording of meetings

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

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

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

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

## Travelling to the meeting

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



### Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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

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

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

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

The following attend the committee:

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

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

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

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

## **Public Speaking**

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

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

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

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

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

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

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

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

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



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

**1. Selflessness**

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

**2. Integrity**

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

**3. Objectivity**

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

**4. Accountability**

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

**5. Openness**

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

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

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



**Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 14 January 2026 at 10.00 am**

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

**Councillors:** Polly Andrews, Bruce Baker, Simeon Cole, Mark Dykes, Matthew Engel, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Charlotte Taylor, Richard Thomas and Allan Williams

**In attendance:** Councillor Jonathan Lester

**Officers:** Senior Solicitor Planning and Highways, Development Manager Majors Team and Team Leader Area Engineer

**56. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Jacqui Carwardine, Clare Davies, Dave Davies and Mark Woodall.

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

Councillor Mark Dykes acted as a substitute for Councillor Carwardine.

Councillor Allan Williams acted as a substitute for Councillor Dave Davies.

**58. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**59. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 10 December be approved.

**60. 223128 - BARNS AT MONKS BURY COURT, MONKHIDE, VILLAGE ROAD, MONKHIDE, HR8 2TU (PAGES 9 - 12)**

The Development Management North Team Manager provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the committee had deferred the application at an earlier meeting due to concerns regarding the scale and design of the proposed houses and the layout of the site. Recent representations on the amended design had commented that the primary change was the detachment of the link garages and the relocation of a building further to the West of the site. It was queried whether this was sufficient to respond to the concerns of the committee and whether the amended plans

made best use of the space on the application site. The sense of detaching the garages was queried as it was felt this would undermine the energy efficiency of houses. It was noted that the design of the houses had not changed and limited changes to the site layout had not considered a different orientation of the properties to make better use of the space on the site.

The committee debated the application and raised the principal points below:

- The design of the houses had not changed since the previous submission of the application to the committee. It was felt that the use of brick rather than black cladding was more in-keeping with the local vernacular.
- It was noted that there was no mention of EV charging points or renewable energy generation in the conditions proposed for the application.

The Development Manager explained that:

- The design of the buildings was consistent with the new properties adjacent to the application site which had been approved on appeal. It was felt that refusing the application on the design of the houses would not be defensible on appeal.
- The EV charging point was a requirement of building regulations and would be implemented at this stage of the application. Condition 14 attached to the application could be updated to include a requirement for facilities for renewable energy generation.

A motion was proposed by Councillor Bruce Baker and seconded by Councillor Allan Williams that the application be approved in accordance with the case officer's recommendation and an update to condition 14 to include a requirement for renewable energy generation on the houses.

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 the form or substantially in the form annexed to this report , officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below, an update to condition 14 below to include a requirement for renewable energy generation on the properties and any other further conditions considered necessary.**

1. **Time limit for commencement (full permission)**  
**The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990.**

2. **Development in accordance with the approved plans**  
**Location Plans**  
**2219 P01 Block Plans**  
**2219 P 10 Elevations**  
**2219 P 04A Proposed Ground Floor Plan**  
**2219 P 05A Proposed First Floor Plan**  
**2219 P 06A Proposed North and South Elevations**  
**2219 P 07A Proposed East and West Elevations**

**Reason: To ensure adherence to the approved plans in the interests of proper Planning having regard to policies SD1, LD1, LD2, MT1 of the Herefordshire Local**

**Plan, Core Strategy, Policies contained within the Yarkhill Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.**

***Pre-commencement Conditions***

- 3. No development shall take place until details of improvements to the access from the A417 to the development hereby permitted have been submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to first occupation of any dwelling approved under this permission and thereafter maintained to an acceptable standard.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.**

- 4. No development shall take place until the following have been submitted to and approved in writing by the local planning authority:**

**- detailed surface water and foul water drainage design drawings and construction layout**

**Work shall be carried out in accordance with the approved details and shall be installed prior to the first occupation of the dwellings hereby approved and maintained in accordance with the approved details thereafter.**

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

- 5 Construction Management**

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

- a) A method for ensuring mud is not deposited onto the Public Highway**
- b) Construction traffic access location and specification**
- c) Parking for site operatives**
- d) Construction Traffic Management Plan**
- e) Siting of construction compound / site offices / storage**
- f) Tree / hedgerow protection measures**
- g) Hours of working during construction**

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

**Reason: The details relate to the duration of the construction period and are required prior to commencement of development in the interests of highway safety, amenity and landscape protection and to conform to the requirements of Policies SD1, LD1, LD3 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 6 No works, including any site clearance or groundworks, shall take place until details of a site waste prevention plan and management measures has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: The treatment/handling of any site waste is a necessary initial requirement**

before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

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

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

*Other stage conditions*

- 8 With the exception of any site clearance and groundwork, no development shall take place. Prior to completion, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

1. Trees and hedgerow to be retained, setting out measure for their protection during construction, including the location of temporary fencing, in accordance with BS5837:2012.
2. Trees and hedgerow to be removed.
3. All proposed planting and seeding, accompanied by a written specification setting out: species, size, quantity, density and cultivation details. This should include native trees.
4. All proposed hardstanding and boundary treatments.
5. Detailed construction drawings of the southern boundary retaining wall in conjunction with proposed tree pits and any other planting.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policy Y11 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 9 With the exception of any site clearance and groundwork, no further development shall take place on the two new dwellings hereby permitted 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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 10 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 range of biodiversity net gain features as identified in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT 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. These biodiversity net gain enhancements are in addition

to any mitigation or compensation required due to Natural England species licensing requirements.

**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), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy Y2 of the Yarkhill Neighbourhood Development Plan.

- 11 Prior to first occupation, the details of the management company responsible for the maintenance of the foul water infrastructure shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.  
**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.
- 12 Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the any dwelling hereby permitted and maintained thereafter.  
**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.
- 13 Prior to the first occupation of the new residential dwellings hereby permitted, written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development  
  
**Reason:** In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).
- 14 With the exception of any site clearance and groundwork, no further development shall take place on the dwellings hereby permitted until details of measures to demonstrate the sustainability of each of the dwellings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
  
**Reason:** In order that the development is sustainable and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the Council's Climate Emergency Declaration

### ***Compliance Conditions***

- 15 No development shall take place until visibility splays, and any associated set back splays at 45 degree angles have been 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 154 metres northbound and 160 metres southbound along the nearside edge of the adjoining carriageway. Development shall be carried out in accordance with the approved details and nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above. Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.
- 16 The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority. Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.
- 17 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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.
- 18 All foul water shall discharge through connection to a private foul water treatment system as detailed in the Flood Risk Assessment and Surface Water Management Plan Revision 2 prepared by Greenaway Planning Ltd (dated February 2022) and all surface water shall be managed through plot specific soakaway infiltration systems, unless otherwise agreed in writing by the Local Planning Authority. NB: For the avoidance of doubt, the agreed PTP is the Haba Bio Easy Flow PTP. Reason: In order to ensure Nutrient Neutrality 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), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policy Y8 of the Yarkhill Neighbourhood Development Plan.
- 19 None of the dwellings approved by this permission shall be occupied prior to the 1st of June 2026. Reason: To ensure that the Tarrington integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Wye SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).
- 20 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; Policy Y11 of the Yarkhill Neighbourhood Development Plan; and the council's declared Climate Change and Ecological Emergency.**

- 21 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**
- Reason - To ensure the character of the countryside is maintained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **INFORMATIVES:**

**1. Application Approved Following Revisions**

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

- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year.**

**Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

**If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public**

amenity and nature conservation interests.

3. **Consent will be required from the Internal Drainage Board for any proposed outfall into the un-named watercourse to the east of the site.**
4. **Consent will be required from the Internal Drainage Board if any obstructions are proposed within 9 metres of the un-named watercourse to the east of the site.**

The meeting ended at 10.45 am

**Chairperson**

## **PLANNING COMMITTEE**

**Date: 14 January 2026**

### **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

**223128 - DEMOLITION OF 2 NO. AGRICULTURAL BUILDINGS. PROPOSED 4 NO. DWELLINGHOUSES WITH GARAGES, LANDSCAPING AND ASSOCIATED WORKS. AT BARNS AT MONKS BURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU**

**For: LTF Properties Ltd per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS**

### ADDITIONAL REPRESENTATIONS

Following the submission of amended plans, one further letter of representation has been received from a local resident. The matters raised are as follows:

*In terms of privacy and overlooking, the revised plans and elevations (dated 28.11.25) show Unit 3 positioned approximately 10 metres from the boundary of my property, with first-floor windows facing directly into my rear garden. This garden is the main private outdoor living space for my home, used daily for sitting, recreation, and family activities. The orientation and proximity of the windows could result in a significant loss of privacy, materially affecting the enjoyment of this primary amenity space.*

*Regarding residential amenity and the sense of enclosure, due to the siting, scale, and proximity of the proposed dwellings, the development could appear overbearing when viewed from my property and garden. This could lead to a reduced sense of outlook and enclosure, potentially affecting the quality of living conditions for neighbouring residents.*

*With respect to the relationship to neighbouring properties, the layout may not clearly demonstrate a satisfactory relationship with adjoining residential properties. The positioning of the dwelling and its windows could result in overlooking and reduced privacy for the neighbouring gardens and may be considered inappropriate and unnecessary in such a rural location.*

*In addition, there is a mature sycamore tree located close to the boundary of plot 3 which makes a positive contribution to the character of the area and provides visual amenity and some degree of seasonal screening. The loss or significant pruning of this established tree could be harmful to local character and amenity and should be carefully considered as part of the assessment of the proposal.*

*Considering local planning policy, Herefordshire planning policies encourage new development to be well designed, to respect its context, and to avoid unacceptable impacts on neighbouring residential amenity, including overlooking, loss of privacy, and overbearing effects. The proposed layout could conflict with these policy aims.*

The Council's Senior Lawyer for Planning and Highways has highlighted a need to slightly amend the recommendation to committee on the basis that the Section 106 Agreement is at engrossment stage. This is reflected in the change to the recommendation as set out below.

## **OFFICER COMMENTS**

The further letter of representation received does not raise any new issues as far as potential impacts on residential are concerned but does warrant further commentary.

The relationship of the dwelling on plot 3 with the development to the north (Monks Rest) is changed by the amended layout in as much as it is shifted by approximately 12 metres further to the west. The original scheme was considered to be acceptable in terms of the relationship of the unit on plot 3 to the development to the north, and the effect of moving it to the west is that its first floor windows look more across open land to the rear of Monks Rest than the schemes previous iteration. Officers take the view that the revised scheme is an improvement in terms of residential amenity as a result.

The presence of the Sycamore tree on the boundary is noted, as is the fact that the proposed block plan shows its retention.

## **CHANGE TO RECOMMENDATION**

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement the form or substantially in the form annexed to this report , officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 FEBRUARY 2026</b>
<b>TITLE OF REPORT:</b>	<b>252698 – CHANGE OF USE OF BUILDING TO STORAGE (USE CLASS B8) (RETROSPECTIVE) AT PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE</b>  <b>For: Mr &amp; Mrs Shaw per Mr Tom McEwen, The Rough Farm, Garway Hill, Herefordshire, HR2 8HD</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252698">https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=252698</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 18 September 2025    Ward: Dinedor Hill    Grid Ref: 351202, 235809**  
**Expiry Date: 26 February 2026 (Extension of Time agreement)**

**Local Member: Cllr Dave Davies (Dinedor Hill)**

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

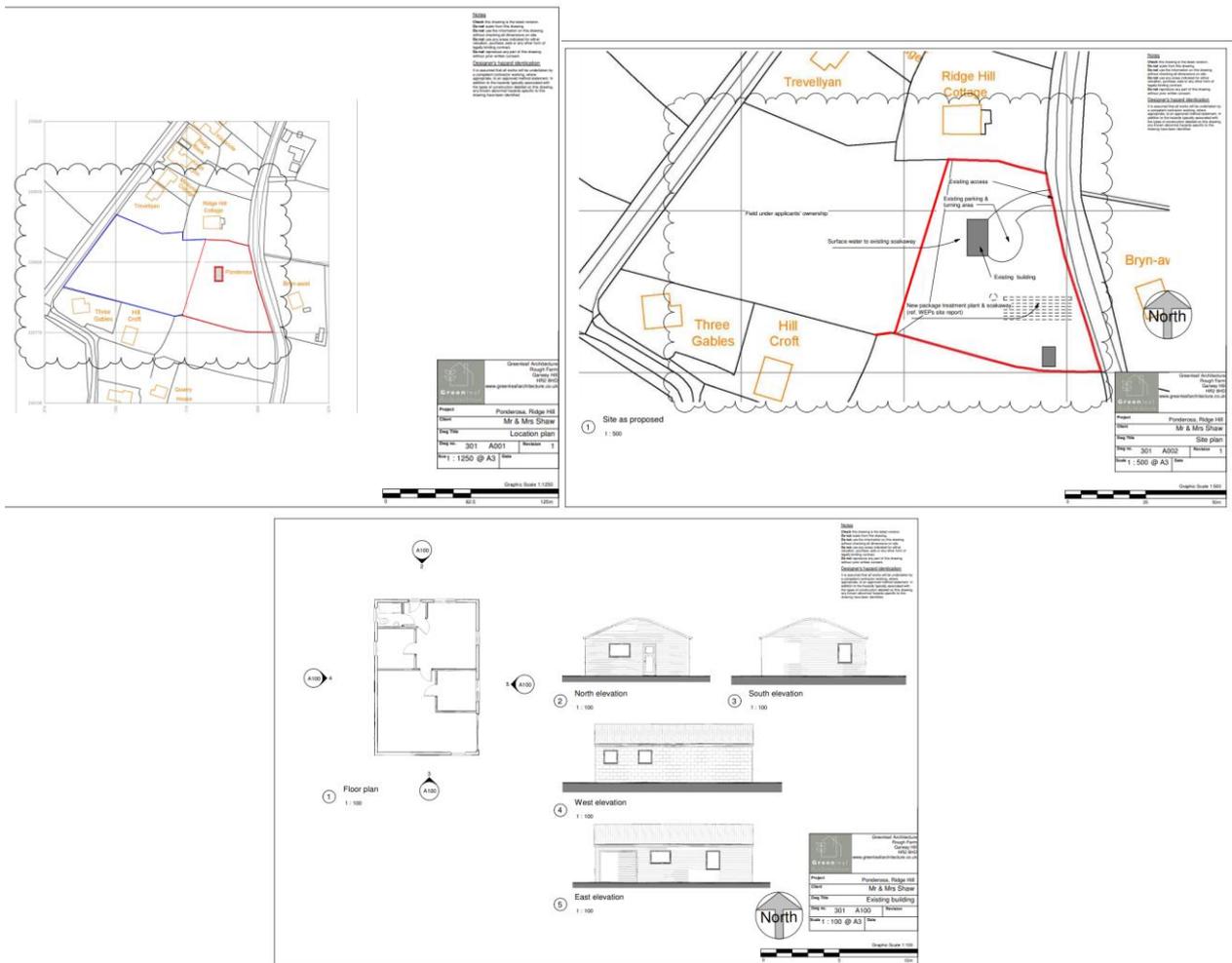
- 1.1 The application site forms part of the small hamlet of Ridgehill which is located approximately 0.4 miles north of Twyford Common, 1.1 miles east of the Norton Brook Road junction with the A49(T), and 3 miles south of Hereford City Centre. Land uses surrounding the site are predominantly residential save for the occasional agricultural or equestrian use although there is an existing caravan and campsite off the U72014 (Norton Brook Road) to the south-west of the application site.
- 1.2 Site topography falls sharply from west to east across the site down to the U71616 where there is an existing field gate and vehicular access. The subject building is situated part way up this bank and comprises a single-storey former stable block with a barrel vaulted profile sheet roof and clad predominately in timber and concrete block. It has a footprint measuring 66.66 square metres (6.6 metres by 10.1 metres) with eaves and ridge at 2.4 metres and 3.75 metres, respectively. It has in recent years undergone maintenance and improvement internally as well as externally, although is not considered to materially affect the external appearance of the building.
- 1.3 It is acknowledged that the site has been cleared of vegetation over the preceding 18 months although site boundaries continue to predominately comprise a mixture of native/ornamental hedgerow, wire fencing, field gate and/or semi-mature trees. Covering the wider land parcel there is an unoccupied caravan at the south-east corner with storage of building materials, storage container and hardstanding to the west/north-west corner of the site which is located adjacent to another gated vehicular access directly onto the U72014.
- 1.4 The site is not within or considered to contribute to the setting of a protected/statutory landscape designation or designated or non-designated heritage asset(s).
- 1.5 This application seeks full planning permission for change of use of the building for storage of construction machinery, tools and building materials for the applicants' family run construction business which operates predominately in Herefordshire. The storage use falls within Use Class

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

B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended). For avoidance of any doubt, the application originally sought use of the building for storage and as a workshop although the workshop element has now been omitted at the request of the applicants.

1.6 Officers are advised by the applicant that from October 2022, they rented the land from the previous landowner and stored building materials and some machinery in the building before subsequently purchasing the land (including the building) in January 2025. In this regard, officers consider the application to be retrospective. The location plan, site plan and elevations/floor plan of the building are inserted below:



*Location Plan, Site Plan, Building Elevations and Floor Plan*

1.7 In addition to the submitted plans, this application should be considered in line with the following list of supporting documents:

- Application Form;
- Drainage Information (rec'd 16/10/2025);
- Planning/Design and Access Statement (rec'd 16/10/2025);
- A rateable value letter from the Valuation Office Agency;
- Emails from the agent including additional supporting information in response to comments raised by technical consultees and officer requests for clarification.

1.8 The applicant has also clarified that there will be 1 to 2 persons on site when collecting and taking construction tools/building materials to and from the site, and this would be between the hours of

7:30am until 5pm. The majority of the time during the day the applicants would largely be working on building projects elsewhere.

## **2. Policies**

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

SS1 – Presumption in favour of sustainable development  
SS4 – Movement and transportation  
SS5 – Employment provision  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RA6 – Rural economy  
MT1 – Traffic management, highway safety and promoting active travel  
E1 – Employment provision  
LD1 – Landscape and townscape  
LD2 – Biodiversity and geodiversity  
LD3 – Green infrastructure  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

The 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](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

### **2.2 Herefordshire Minerals and Waste Local Plan adopted 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 Lower Bullingham Neighbourhood Development Plan – made on 21 August 2017 (NDP)**

LB2 – Design  
LB8 – Reducing the risk of flooding

The Lower Bullingham NDP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:  
<https://www.herefordshire.gov.uk/directories/neighbourhood-areas-and-plans-directory/lower-bullingham-neighbourhood-development-plan/>

### **2.4 National Planning Policy Framework – revised on 7 February 2025 (NPPF)**

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

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

- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural 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>

## 2.5 National Planning Practice Guidance (NPPG)

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 NPPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

## 3. Planning History

- 3.1 P251764/U – certificate of lawfulness for existing use of the site and building as a workshop and premises since 2015 - Withdrawn
- 3.2 P203851/U – certificate of lawfulness for existing use of building to residential - Withdrawn
- 3.3 P150931/H – Proposed hedgerow removal – Approved
- 3.4 SH901266PF – erection of a small stable block – Approved with conditions
- 3.5 SH900969PF – erection of a small stable block – Refused

## 4. Statutory Consultations

During consideration of this application, amended plans and additional or updated supporting documents have been submitted together with an agreed revised description of development. For avoidance of any doubt, all consultation responses/representations are provided below and have been annotated under each response where they are responding to either the superseded plans or amended plans.

### 4.1 Dwr Cymru Welsh Water – No objection

#### 1<sup>st</sup> consultation 12 December 2025 (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. Dwr Cymru Welsh Water has no objection to this retrospective proposed change of use application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com) Please quote our reference number in all communications and correspondence."*

#### 2<sup>nd</sup> consultation (Amended Plans) – No response received

### 4.2 Natural England – No response received

Refer to the comments of the Council's Ecologist

## 5. Internal Council Consultations

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.

### 5.1 Area Engineer – No objection

#### 1<sup>st</sup> consultation 2 October 2025 (Superseded Plans)

*“The local highways authority has considered the application for retrospective change of use of existing building to workshop/general storage and makes the following comments. The site is accessed off the adopted highway with a gate set back off the highway edge to allow vehicles to move off the road. The use of the site is unlikely to cause an increase to the use of the local highways network and there are no objections to the proposal. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>”*

#### 2<sup>nd</sup> consultation 8 December 2025 (Amended Plans)

*“The local highways authority has considered the amended plans and has no further comments to make on the application. No objections.”*

### 5.2 Environmental Health Technical Officer (Noise & Nuisance) – No objection

#### 1<sup>st</sup> consultation 21 October 2025 (Superseded Plans)

*“Comments are made from a noise and nuisance perspective. The planning statement indicates that the building will be used for occasional light carpentry and associated work, including small-scale off-site manufacturing of bespoke building components such as stairs and door linings. The statement also notes that the site is used on an ad-hoc basis and normally within working hours. However, no information has been provided regarding the types of noise-generating equipment or machinery proposed for use within the workshop. Without this detail, it is not possible to adequately assess the potential noise impacts on nearby sensitive receptors.*

*Further information required:*

- *A list of machinery, tools, and equipment to be used on site, including any fixed or powered woodworking or cutting equipment.*
- *Typical operating hours and expected frequency of use.*
- *Details of any noise mitigation measures (e.g. acoustic insulation, enclosure, building fabric specifications).*

*This information is required prior to Environmental Health (Nuisance) being able to provide a full assessment of potential noise impacts or to recommend appropriate planning conditions.”*

#### 2<sup>nd</sup> consultation 4 December 2025 (Amended Plans)

*“The description of this application has been revised from “Retrospective change of use of existing building to workshop/general storage” to “Change of use of building to storage (Use Class B8).” As a result, Environmental Health (Nuisance) raise no objections to the proposal.”*

### 5.3 Environmental Health Technical Officer (Contaminated Land) – No objection

#### 1<sup>st</sup> consultation 8 October 2025 (Superseded Plans)

*“We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We’ve no comments to make”*

2<sup>nd</sup> consultation 13 January 2026 (Amended Plans)

*"We refer to the above application and would make the following comments in relation to contaminated land and human health issues only. We've no comments to make."*

5.4 **Land Drainage Engineer – No objection (Amended Plans)**

*"We understand that the existing footprint of the site, as well as the drainage arrangements are remaining as is. Land Drainage have no further comment to make."*

5.5 **Ecology – No objection**

1<sup>st</sup> consultation 9 October 2025 (Superseded Plans)

*"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.*

*Notes in respect of HRA*

*River Wye SAC*

- *The proposal creates ONE building as a Use Class B8 storage-distribution space.*
- *The applicant has confirmed that building will only be used as workshop and general storage and not for any other purposes.*
- *The proposed WC in the building will discharge to a new septic tank foul water system (application form information).*
- *Under General Binding Rules and Water Regulations Septic Tanks MUST discharge to a drainage field.*
- *Information supplied confirms this is recorded as a separate and solely a commercial premises – use class B8 – storage and distribution*
- *Where no significant nutrient pathways are identified and the use is limited to ancillary use to a main residence Natural England have advised that they are happy for the LPA to 'screen out' the HRA appropriate assessment at 'stage 1' of the process.*

*Habitat Regulations - Nature Conservation River Wye SAC – Occupation-use*

*The building hereby permitted shall not be occupied at any time other than for commercial purposes Class B8 - storage and distribution purposes.*

*Reason: It would be contrary to Policy SD1 [or RA5] of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location and in order to ensure Nutrient Neutrality 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'), Core Strategy policies SS1, SS6, LD2, SD3 and SD4.*

*River Wye SAC - Foul and Surface Water Management*

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

*Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to a Septic Tank discharging to a drainage field; and all surface water managed by onsite Sustainable Drainage System. The foul and surface water management shall hereafter be managed and maintained as approved.*

*Reason: In order to ensure there are no effects on the River Lugg (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.*

*The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:*

*Protected Species 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"*

2<sup>nd</sup> consultation 6<sup>th</sup> January 2026 (Amended Plans)

*"No further comments"*

## **6. Representations**

### **6.1 Lower Bullingham Parish Council – Qualified Comment**

1<sup>st</sup> consultation 8 November 2025 (Superseded Plans)

*"Lower Bullingham Parish Council Object to the retrospective application and make the following comment. The PC's view is that this is an extremely poor application and had considerable short comings in detail narrative."*

2<sup>nd</sup> consultation 8 January 2026 (Amended Plans)

*"The Parish Council ask that a condition is placed on the application if approved that the building is solely used for storage only and no other purposes"*

6.2 The remaining 34 letters of third party representation comprise 27 interested parties whom all object to the application. It is acknowledged that the majority of third party objections were received to the first consultation when the application was also seeking change of use of the building to a workshop however for completeness, representations are summarised below:

- Harm to residential amenity by virtue of noise
- Impact on highway safety – vehicle movements, narrowness of roads, parking/access
- Objections to P251764/U are applicable to this application
- Removal of vegetation undertaken retrospectively and harm to protected species
- Existing building has not been in use for prolonged period of time

- Application is not retrospective
- No formal parking area
- Impact on character and appearance of the area
- Overdevelopment
- Impact on surface water flooding
- Mandatory biodiversity net gain should apply
- Better, alternative locations at Rotherwas for such use
- No information about the remainder of the site which needs planning permission
- Need BNG metrics
- Applicant motives
- Lack of information/misleading aspects in application
- Damage/blocking property
- Impact on right of enjoyment to property

All 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=252698>

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>

## 7. Officer's Appraisal

### *Policy context and Principle of Development*

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"
- 7.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Minerals and Waste Local Plan (MWLP) and the Lower Bullingham Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is a significant material consideration in determining any application for planning permission, alongside National Planning Practice Guidance (NPPG).
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the NPPF requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will therefore be taken into account by the Council in deciding any application. In this case, the most relevant policies are considered to relate to employment generating development; protection and conserving of environmental assets, highway safety and sustainability; and amenity issues (among others). These have been reviewed and are viewed to be consistent with the principles set out by the NPPF. Accordingly, in having regard to Paragraph 232 of the NPPF, the relevant policies of the CS applicable to determining this application should continue to be afforded 'significant' weight in decision-making.
- 7.4 Herefordshire Council is currently in the process of preparing a new local plan under the new plan making process introduced by the Levelling Up and Regeneration Act 2023. No draft of the plan under the new plan making system has yet been published for consultation. As such, there is no emerging plan to which any weight can currently be attributed.
- 7.5 A range of CS policies are relevant. As a starting point, strategic Policy SS1 sets out the presumption in favour of sustainable development, reflective of the positive presumption in favour of sustainable development that lies at the heart of the NPPF. Policy SS1 confirms that proposals

which accord with the policies of the CS (and, where relevant, other DPDs and NDPs) will be approved, unless material considerations indicate otherwise.

- 7.6 Chapter 6 of the NPPF deals with economic development and directs that planning policies and decision-making should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraphs 88 and 89 also support a prosperous rural economy appreciating that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings. Planning policies and decisions should also recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances it will be important to ensure development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (e.g. by improving the scope for access on foot, by cycling or by public transport). Use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.7 In the context of development which promotes employment, strategic Policy SS5 of the CS seeks to support the county's economy by ensuring an adequate supply of good quality employment land. Policy E1 builds on this and sets out that policy will seek to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. It states that proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
  - the proposal makes better use of previously developed land or buildings;
  - the proposal is an appropriate extension to strengthen or diversify an existing business operation;
  - the proposal provides for opportunities for new office development in appropriate locations.
- 7.8 In terms of the rural economy, Policy RA6 of the CS is relevant to employment in rural areas, directing that proposals will be supported where they:
- ensure that development is of a scale which is commensurate with its location and setting
  - does not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell;
  - does not generate traffic movements that cannot safely be accommodated within the local road network;
  - does not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 7.9 The policy context is reflective of the NPPF, although the NPPF does not necessarily provide a green light in supporting all planning applications to support a prosperous rural economy. This is given that, in terms of other technical considerations, there may well be harm identified which otherwise leads to a proposal not being supported.
- 7.10 In considering the principle of development, Policy RA6 of the CS are considered to be relevant. It is noted that the Lower Bullingham NDP has no specific policy in terms of the principle of development being sought.
- 7.11 In terms of site history, officers are advised by the applicant in supporting information, that the subject building has been used for a variety of activities over the last 10 years and that the current owner has been using the building for general storage of building materials since October 2022 with occasional light carpentry and associated work limited to small 'off-site' manufacturing of

bespoke building components (stairs, door linings etc). The site is presently used on an ad-hoc basis, and normally within working hours (7:30am - 5pm Mondays to Fridays and 7am - 2pm on Saturdays). Officers are also advised that the previous owner used the building for the storage of equipment for a catering company, as well as occasional workshop usage.

- 7.12 Whilst the applicant has provided business rates receipts from 2016 stating the use of the building as 'workshop and premises', it is clearly acknowledged that many third parties have challenged the historic use of the site.
- 7.13 From the perspective of officers, the documented site history does not show any approved change of use application or lawful development certificate from what was originally approved as a stable block. Despite the alleged and varied history of prior use, the building's lawful use is considered to be an equine use. In having regard to the variety of contrasting information provided on all sides, no other use has been established long enough to deem it lawful. It is nevertheless acknowledged that the change of use sought is retrospective.
- 7.14 The applicants seek full planning permission for use of the building as storage of construction/building materials for their construction business, which falls within Use Class B8 (storage and distribution). It is not considered that the use amounts to a builders' yard which would amount to a Sui Generis use.
- 7.15 The proposal would provide this small-scale business with facilities which would help the business to sustain their operations in the short term, whilst providing potential for future growth. The scheme would align with the objectives of the adopted development plan to promote rural employment generating development, whilst promoting investments in the construction and development sector. The principle of development is supported by the aforementioned policy context, however in order to gain full support it must be demonstrated that the scheme would not have any material adverse impacts that may lead to conflict with the policies above – notably criteria offered by Policy RA6 of the CS.

#### *Location and nature of use*

- 7.16 With the exception of identifying strategic employment sites in Hereford and the market towns, the adopted development plan is not prescriptive in terms of defining appropriate locations for new business development. It instead requires a case-by-case judgement to be taken that has regard to factors such as the sustainability of a location; compatibility of the proposed use with the local context, and the scale of the proposal relative to the locale. The NPPF identifies at Paragraph 89 that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, in areas that may not be well served by public transport.
- 7.17 The site in this case is considered to relate to the hamlet of Ridgehill and would be using an existing building to accommodate this use. Ridgehill is approximately 0.4 miles north of Twyford Common (a CS RA2 settlement), 1.1 miles east of the junction with the A49(T) near Portway, and 3 miles south of Hereford City Centre via Hoarwithy Road (C1261). It is recognised that there are other 'built-for-purpose' business units locally such as at Rotherwas or Lower Bullingham, however there is no policy requirement for an applicant to demonstrate why such options have been discounted.
- 7.18 Taken together with the small-scale size of the building at 66.66 square metres and appreciation of surrounding uses, the nature of what is being applied for is not considered to juxtapose with local context. This is acknowledging that the business is likely to be reliant on a van/flatbed trailer which tradespeople use when going to any persons home or a construction site to undertake work, usually arriving and leaving the site both at the start and end of the working day and occasionally needing to collect something during the working day. The site has reasonable links with the local transport network given its rural context, and the previously developed nature of the

site also means the scheme is considered to align with the policy objective to make use of previously developed land, lending further support to the proposal.

#### *Access and highways*

- 7.19 CS Policy MT1 relates to the highways impacts of new development, and requires that proposals 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. It requires that developments are designed and laid out to ensure safe entrance and exit can be achieved and adequate operational and manoeuvring space is available.
- 7.20 In the context of rural economic development, policy RA6 also seeks to ensure that schemes do not generate traffic movements that cannot safely be accommodated within the local road network. There is no policy provision within the NDP. These principles reflect those of the NPPF at Chapter 9 which at Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.21 The site benefits from an established access onto the U71616 which delivers an appropriate level of visibility onto the carriageway. The use as a stable block also establishes a lawful baseline for vehicle movements. It is not disputed that the use proposed will lead to some intensification in the volume/nature of vehicle movements utilising the access although vehicular movements to and from the site will be as and when the company requires it, usually at the start and end of the working day.
- 7.22 It is noted that the front of the building provides ample space for the parking and turning of vehicles. This would prevent any inappropriate parking off-site on the public highway and it is anticipated that by the nature of the use, any vehicles will need to be parked close to the building in order to load/unload.
- 7.23 It is understood that the U71616 is used as a main road out of the hamlet whether heading south to Twyford Common, north-west back to Norton Brook and onto the A49 or north-east towards Lower Bullingham and Hereford City. Representations stress the narrow nature of the lane however, on the basis of the scale and intensity of the proposed use, it is not considered that the cumulative impacts of the proposal would amount to being severe. It is also acknowledged that the Area Engineer has not raised objection to the proposal viewing that it would not result in any demonstrable impact to the wider highway network or road safety.
- 7.24 It is therefore considered that there would be no adverse impacts upon the continued safe and efficient function of the local highways network, as confirmed by the response from the Local Highway Authority as the responsible authority. The internal layout of the site makes adequate provision for the parking and turning of vehicles and hence is acceptable with regards to CS policies MT1 and RA6. Paragraph 116 of the NPPF is not considered to be engaged.

#### *Residential amenity*

- 7.25 The NPPF seeks to ensure all developments deliver good standards of living for occupiers of land and buildings. This is reflected by the CS, with policy SD1 requiring that proposals achieve satisfactory living conditions for existing and future occupiers of all development, avoiding detriment through means such as overlooking, overshadowing or overbearing. It also seeks to ensure that new developments do not contribute to or suffer from adverse impacts relating to noise or light pollution. In the context of rural economic development, policy RA6 seeks to support proposals where they would not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell. Policy LB2 sets out building design principles which includes that proposals must minimise the impact on general

amenity and give careful consideration to noise, odour and light. This is all consistent with Paragraph 135f and 198 of the NPPF, needing to also account for cumulative impacts.

- 7.26 In regard to private residential amenity, the building itself is located to the west of the U71616 and the access arrangement onto the public highway does not run adjacent to private residential dwellings save for the access track/parking for Ridge Hill Cottage. The building already exists and there are no present restrictions on when the building can be accessed.
- 7.27 It is acknowledged that a wider B8 use such as distribution (e.g. warehouses) could be a potential source of noise which may impact neighbouring amenity if not appropriately managed. The use as proposed is for storage of construction machinery, tools and building materials only but nevertheless, there are several third party dwellings immediately surrounding the site which are the most sensitive receptors in this regard, heightened by the rural context of the area where sound will travel further.
- 7.28 Appreciating that the workshop element has been dropped from consideration, the Council's Environmental Health Officer for noise and nuisance has reviewed the revised application and does not raise an objection to the proposal. Your officer does accept that such a use may represent an inconvenience to neighbours but it is not considered that this would reach the threshold for adverse harm in terms of residential amenity for adjoining occupiers. Indeed, it must be remembered that the pre-existing use of the building for stabling purposes is unencumbered; allowing for potentially greater impact on the amenity of neighbouring properties.
- 7.29 Any perceived harm can be mitigated by restrictions placed upon the hours of use, the hours during which vehicle movements can take place or in which deliveries can be received/dispatched and a condition to secure a Noise Management Plan in a time-sensitive manner given the retrospective use of the site, no outside storage as well as restricting the use to what has been applied for, enabling any future use to be reassessed accordingly by the Local Planning Authority. Subject to such assurances, no conflict is identified with policies RA6 or SD1 of the CS or Policy LB2 of the NDP, which is consistent with Paragraph 135f and 198 of the NPPF, accounting for cumulative impacts.

#### *Local character and appearance*

- 7.30 Strategic policy SS6 of the CS sets out that all development proposals should conserve and enhance the environmental assets that contribute towards the county's distinctiveness, particularly its settlement pattern, landscape, biodiversity and heritage assets. Policy LD1 is of further relevance in this regard in so far as it requires that schemes demonstrate that they have been positively influenced by the character of the surrounding landscape in terms of the site selection, design, scale and nature of the development proposed. Schemes should also incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity.
- 7.31 Appreciating that the description of development is merely seeking change of use of the building, the proposed use is not considered to be out of keeping with the general character of the locale and commensurate in scale with operations in the surrounding area. In terms of the building, the appearance is largely as one would expect from such a rural building and again would not be discordant within the locale given its modest scale and footprint reduces the potential for impact upon the wider landscape, including the Lowland Farmlands Landscape Character type. The proposal is considered to align with aforementioned policy.

#### *Flood risk and drainage*

- 7.32 The application site is not located in an area of flood risk from either fluvial or pluvial sources. The submission offers the view that there would be no increase in impermeable surfaces and surface water could be managed through existing soakaways. A new Package Treatment Plant is

proposed to serve the development, which is not objected to by the Land Drainage Engineer whom has reviewed the supporting information provided. The application is viewed to be compliant with Policies RA6, SD3 and SD4 of the CS and Policy LB8 of the NDP which is consistent with Section 14 of the NPPF.

#### *Ecology and biodiversity*

- 7.33 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance Herefordshire's' 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. There is no specific NDP policy.
- 7.34 Whilst regrettable that the applicant sought to remove vegetation prior to making the application, the Councils' Ecologist has reviewed the application and offers no objection to what is being proposed and there is no breach of the Council's duties with respect of protected species. The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. No details of lighting has been received, so it is anticipated no alterations or additions to the existing lighting scheme is anticipated. The proposal is viewed to accord with aforementioned policy.

#### *Biodiversity net gain (BNG)*

- 7.35 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12<sup>th</sup> February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The development proposed in this case is viewed benefit under the retrospective exemption.

#### *Habitat Regulations Assessment*

- 7.36 The site is within the Wye hydrological catchment of the River Wye Special Area of Conservation (SAC) and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the Local Planning Authority. 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.
- 7.37 The applicant has confirmed that building will only be used for storage as applied for and not for any other purposes. The WC in the building would discharge to a new package treatment plant. Information supplied confirms this is a recorded as a separate and solely a commercial premises. Where no significant nutrient pathways are identified, Natural England have advised that they are happy for a Local Planning Authority to 'screen out' the HRA appropriate assessment at 'stage 1' of the process.

#### *Other considerations*

- 7.38 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. Given the application is effectively seeking change of use, such a condition is not considered necessary in this particular instance.

- 7.39 Officers have had clear regard to representations raised by third parties including challenging information submitted by the applicant and seeking clarity on a number of aspects which has resulted in amendments to the application or further information being provided.
- 7.40 Colleagues in Planning Enforcement are dealing with another alleged breach of planning on the wider site although this does not form part of this particular application.
- 7.41 Applicant motives, damage to neighbouring property and right to a view are not material planning considerations.

## **8. Summary, Planning Balance and Conclusion**

- 8.1 In bringing together the above considerations; the proposal represents a scheme for the re-use of a rural building in the countryside, supported in principle by the prevailing policies of the adopted development plan and the objectives of the NPPF. The proposal would provide modest employment in a rural setting and it is considered that the modest scale and footprint of the building combined with the nature of the use sought is such that, subject to conditions, development would safeguard against any perceived adverse impacts to more than an acceptable degree.
- 8.2 The proposal can be considered representative of a sustainable form of development and when engaging Paragraph 11d of the NPPF, it is not considered to engage Paragraph 11di or 11dii.
- 8.3 Accordingly, the application is recommended for approval subject to conditions as set out below.

## **RECOMMENDATION**

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

### **1. C06 – Development in accordance with approved plans**

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

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1, E1, RA6 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.**

### **2. C52 (Hours of use, vehicle movements and deliveries)**

**No staff shall be on site and no deliveries shall be taken at or despatched from the site in relation to the approved use outside of the following times:**

**07:30 to 17:30 Mondays to Fridays;  
07:30 to 14:00 Saturdays**

**Reason: To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the**

**3. Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.**

**CNS (Noise Management Plan)**

By 30<sup>th</sup> April 2026, a detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall provide a comprehensive overview of how the use will be operated to ensure that any potential for adverse neighbouring amenity impact through noise is minimised.

The NMP shall be broken down into and address the following subheadings:

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

The approved NMP shall be implemented and thereafter remain in place for the lifetime of the development.

**Reason:** To ensure adequate measures are in place to control noise and mitigate for the potential effects on neighbouring residential amenity, in accordance with policies E1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**4. C57 (Restriction on use) – Storage (B8)**

The use hereby approved shall be solely used for storage of construction machinery, tools and building materials and for no other use, including any other use within Use Class B8, as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Any other use shall not take place without the prior written consent of the Local Planning Authority.

**Reason:** To secure the specific nature of use applied for in respect of the defined planning unit and to control the nature of the uses in the interests of securing compliance with policies RA6, SD1 and MT1 of the Herefordshire Local Plan Core Strategy; Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**5. CNS (HRA – PTP and Soakaways)**

Unless otherwise approved in writing by the planning authority all foul water flows from the development permitted under this permission shall discharge to a package treatment plant; and all surface water managed by on-site Sustainable Drainage System or soakaways. The foul and surface water management shall hereafter be managed and maintained as approved.

**Reason:** In order to ensure there are no effects on the River Lugg (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.

**CNS (Approval of External Lighting)**

6. Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. Development shall be carried out in accordance with the approved details.

**Reason:** To protect the amenities of nearby properties so as to comply with policies SD1, LB2 and RA6 of Herefordshire Local Plan Core Strategy, policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**CNS (Retention of Trees)**

7. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the development for its permitted use, other than in accordance with the plans and particulars approved pursuant to this permission.

**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.

**CNS (No outside storage)**

8. No goods, plant, materials or machinery associated with the approved use of the building shall be deposited or stored outside the building or land within the application red line boundary at any time.

**Reason:** To protect the character and appearance of the locality, to safeguard residential amenity and to comply with Policies RA6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy LB2 of the Lower Bullingham Neighbourhood Development Plan and the National Planning Policy Framework.

**INFORMATIVES:**

1. IP2 – Application Approved Following Revisions
2. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
3. I33 – Ecology (General)

Decision: .....

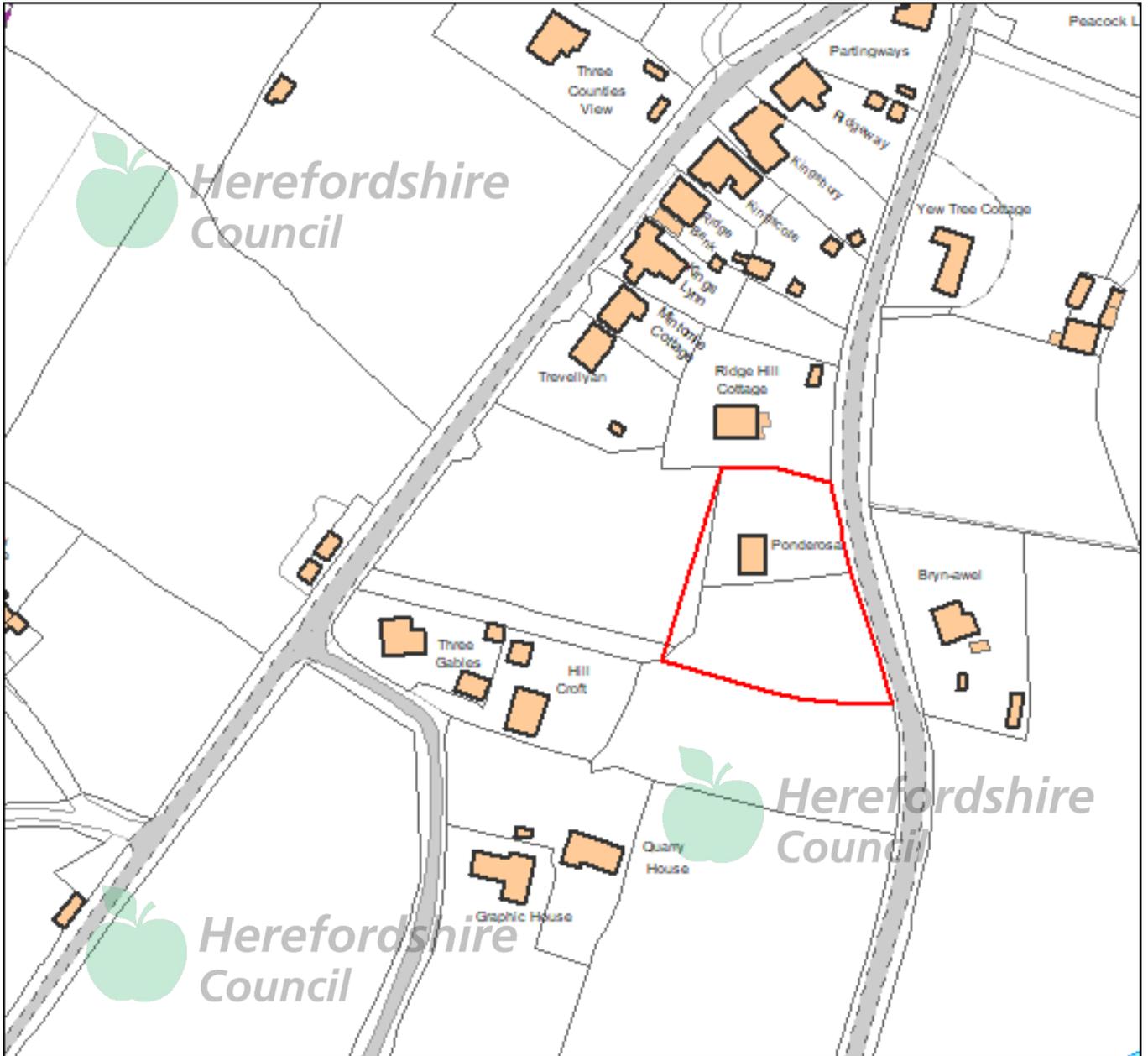
Notes: .....

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

## **Background Papers**

None identified.



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**APPLICATION NO:** 252698

**SITE ADDRESS :** PONDEROSA, TWYFORD COMMON ROAD, RIDGEHILL, HEREFORD, HR2 8AE

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

PF2

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 FEBRUARY 2026</b>
<b>TITLE OF REPORT:</b>	<p><b>251696 - PROPOSED DEMOLITION OF EXISTING CHURCH. ERECTION OF 52 BED CARE FACILITY ON THREE FLOORS WITH ANCILLARY AREAS AND PARKING AT ST BARNABAS CHURCH, ST BARNABAS CLOSE, HERFORD, HERFORDSHIRE, HR1 1DT</b></p> <p><b>For: Mr Patient per Mr Michael Driver, The Old Grain Store, Sir Johns, Hengrave, Bury St. Edmunds, Su, IP28 6NB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=251696&amp;search-term=251696">https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=251696&amp;search-term=251696</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 9 June 2025

Ward: College

Grid Ref: 351786,241128

Expiry Date: 27<sup>th</sup> February 2026 (extension of time agreed)

Local Members: Cllr Ben Proctor (Ward Cllr) Cllr Frank Cornthwaite (neighbouring Ward Cllr),

## 1. Site Description and Proposal

- 1.1 The existing St Barnabus Church is currently vacant and was last used as a community church. The site is accessed via the main road and there is a privately owned estate road which serves both the car park to the rear of the church and also 1 to 9 St Barnabas Close, together with the former vicarage. Boundaries are marked with stone walling, fencing and mature trees. To the rear of the building is a tarmac parking area with circa 15 parking spaces together with further circulation space. The site area extends to approximately 0.87 acres to include the shared roadways. Excluding the access road, the site extends to approximately an area of approx. 0.05hectares.
- 1.2 The existing church building is bespoke and unique in its design, and appears to date from the 1980's. The building is split level and the site slopes down towards Helensdale Close. The building is constructed with brown brick under a multi-pitched slate roof and also has a bell tower. The front hall is accessed from the front of the site via a walkway and there is a further stepped access to the rear of the building. This leads into a large hall with vaulted ceiling. The building is subdivided with worship hall, kitchen area, storage cupboards, meeting room and further ancillary accommodation. Accessed separately from a side doorway is a first-floor flat which benefits from an entrance hall, bathroom with bath and w/c, living room and a kitchen off this area. The flat benefits from a single double bedroom. The site slopes significantly, with a fall of over 4 metres from Venns Lane down to the rear boundary adjoining residential properties
- 1.3 At the rear of the site, several mature trees are present and form part of a Tree Preservation Order (TPO). The site is not located within a designated landscape area; is not located within or

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

adjacent to a Conservation Area; and there are no heritage assets (including non-designated heritage assets) within the site. The site lies within Flood Zone 1 (low risk of flooding).



Figure 1: Site Location Plan and Block Plan



Figure 2: Aerial Plan

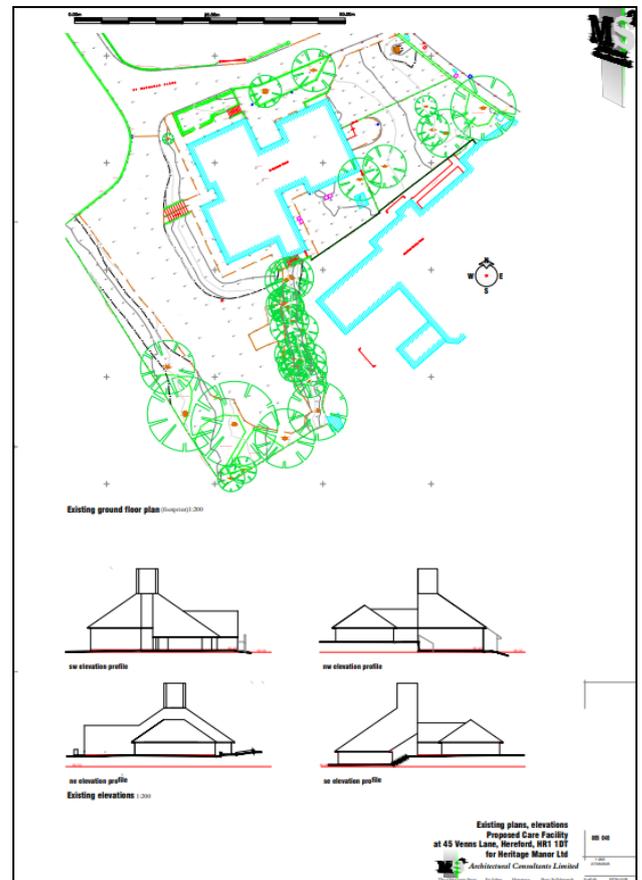


Figure 3: Existing layout Plan and Church elevations

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

- 1.4 This 'full' application also proposes the demolition of the church, and the proposed elevations and site layout can be seen below:



**Figures 4 and 5: Proposed elevations**

- 1.5 The proposal as detailed within the description is for a 52-bed care facility. The development is to provide residential care accommodation for elderly residents, including those with varying

levels of mobility and care needs. The application site is located off Venns Lane and Newstead House is located next door, and this is also operated by the applicant (Heritage Manor Limited).

- 1.6 As detailed within the supporting documentation accompanying the submission in the long term there is an intention to manage the two properties as a single care operation, allowing for shared staffing and reducing management costs. Also, there is an aim for the two properties to be physically linked to further enhance operational efficiency (subject to any necessary consents).
- 1.7 The 52 bedrooms have ensuite bathrooms and accommodated over three floors with a number having access to private terraces or balconies. The home would also have communal areas and includes open-plan day rooms that serve as social lounges and dining areas. The building includes three lifts to allow ease of movement for residents, visitors, and staff. A kitchen, on-site laundry, clean and dirty utility rooms, staff rooms, and management offices are also shown on the ground floor.
- 1.8 As can be seen on the proposed site plan, the site provides a total of 18 on-site parking spaces for staff and visitors, including accessible bays. It also includes pedestrian pathways leading to the main entrance and external amenity areas. Cycle storage and an ambulance bay is also provided.



**Figure 6: Proposed site plan**



**Figure 7: Proposed ground floor plan**

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

- Application form
- Planning Statement
- Design and Access Statement
- Biodiversity Net Gain Report
- Landscape Strategy and Compliance Statement
- Tree Survey and Arboriculture Impact Assessment
- Travel Pack
- Desktop Utility Search Report
- Trip Assessment/Highway Technical note
- Biodiversity Metric
- Ecology condition assessment
- Surface and Foul Water Drainage Strategy

## 2. Policies

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

- |     |   |  |
|-----|---|--|
| SS1 | – | Presumption in favour of sustainable development               |
| SS4 | – | Movement and transportation                                    |
| SS6 | – | Environmental quality and local distinctiveness                |
| SS7 | – | Addressing climate change                                      |
| MT1 | – | Traffic management, highway safety and promoting active travel |
| SC1 | – | Social and community facilities.                               |
| HD1 | – | Hereford   |
| HD2 | – | Hereford City Centre   |
| H3  | – | Housing mix  |
| E1  | – | Employment provision   |
| LD1 | – | Landscape and townscape  |
| LD2 | – | Biodiversity and geodiversity                                  |
| LD3 | – | Green infrastructure   |
| LD4 | – | Historic environment and heritage assets                       |

- SD1 – Sustainable design and energy efficiency
- SD2 – Renewable and low carbon energy
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality
- ID1 – Infrastructure delivery

2.2 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 Core Strategy 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.

2.3 The Core Strategy 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/planning-and-building-control/local-plan/local-plan-core-strategy/adopted-core-strategy-2011-2031/>

## 2.4 **Minerals and Waste Local Plan – adopted on 8 March 2024 (MWLP)**

SP1 – Resource Management

2.5 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/media/azjicj21/adopted\\_minerals\\_and\\_waste\\_local\\_plan.pdf](https://www.herefordshire.gov.uk/media/azjicj21/adopted_minerals_and_waste_local_plan.pdf)

## 2.6 **Hereford Area Plan**

2.7 Following the decision by the Cabinet Member (9.11.2020) to update the Core Strategy work on the HAP has been stopped. At this time, it cannot be afforded any weight in decision making.

## 2.8 **National Planning Policy Framework – revised on 7 February 2025 (NPPF)**

2.9 The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in February 2025. The (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below: -

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

### *Relevant Chapters:*

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

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

## 2.10 **National Planning Practice Guidance (PPG)**

- 2.11 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

[Planning practice guidance - GOV.UK](#)

## 2.12 **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 No relevant planning history on the application site.

## 4. **Consultation Summary**

**Statutory Consultations / External Consultation comments are as follows:**

### 4.1 **Water Welsh Water comments: No objection - January 2026**

Following internal discussions, we have established that this site can be supplied with a potable water supply with a potential scheme to reinforce the local network, we therefore remove our Objection on this application and provide the attached response.

### **Sewerage**

The proposed development site is located in the catchment of a public sewerage system which drains to Eign Wastewater Treatment Works (WwTW) and ultimately discharges to a river Special Area of Conservation (SAC). We have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the immediate public sewerage system, whereas the WwTW has a phosphorus consent limit. However, the WwTW is currently failing to comply with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. Notwithstanding this, in line with the environmental regulator's National Environment Programme, we are required to deliver a scheme at the WwTW to ensure 95% quartile compliance with our FPF performance and offer a condition aligning to the date of deliver as recommended below.

With respect to the disposal of surface water flows from the proposed development, the developer is require/SAd to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

### **Water Supply**

We anticipate this development will require the installation of a new single water connection to serve the new premises (insert text on current position – no capacity/scheme/objection explanation). The provisions of Section 45 of the Water industry Act 1991 apply. We therefore rely on the Local Planning Authority to control the delivery of any required reinforcement works by way of planning condition at planning application stage.

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

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

### **Conditions**

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

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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

Previous comments can be viewed online:

**December 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=93904166-e4c6-11f0-9094-005056ab3a27>

**October 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=bfc74245-ad9a-11f0-9090-005056ab3a27>

**August 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=486e9693-7f93-11f0-908f-005056ab3a27>

### Internal Council Consultations

#### **4.2 Team Leader Area Engineer (Highways): No objection - November 2025**

The Local Highway Authority has reviewed the updated information provided. The proposed parking arrangements are acceptable; while the layout is not the most convenient, sufficient spaces are provided and their dimensions meet the required standards.

The cycle storage provision is welcomed in principle; however, full details will need to be secured by condition. These details should demonstrate that the cycle storage is secure, covered, and designed in accordance with the minimum dimensions and requirements set out in the Highway Design Guide for New Developments.

From a highways perspective, the LHA also welcomes confirmation that the entry barrier will function solely as a traffic-management measure to enforce the proposed “in-only” arrangement. For this arrangement to operate as intended for the lifetime of the development, the LHA requires the installation, operation, and ongoing retention of the barrier system to be secured by condition.

The visibility splay provided for the exit is also considered acceptable.

On this basis, the LHA raises **no objection**, subject to the following conditions:

- CB2 – Secure, covered cycle parking provision
- Barrier Control System – Installation and Retention (Pre-Occupation & Permanent Retention) *Prior to the first use of the development, full details of the entry barrier system serving the Venns Lane access— including its specification, method of operation (e.g. automatic detection), fail-safe procedures, and long-term management arrangements—shall be submitted to and approved in writing by the Local Planning Authority. The barrier system shall be installed in accordance with the approved details prior to first use of the development and shall thereafter be retained, operated, and maintained for the lifetime of the development to ensure the access functions as “in-only” as assessed.*

Previous comments can be viewed online:

**October 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=b6309ff0-ad9c-11f0-9090-005056ab3a27>

**August 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=72de1731-78f9-11f0-9091-005056ab11cd>

#### 4.3 **Environmental Health Service Manager (Noise / Nuisance): No objection - September 2025**

Comments are from a noise and nuisance perspective.

On the basis that all noise-generating plant is to be housed internally, this department does not object to this proposal.

#### 4.4 **Principal Minerals and Waste Officer: General comments - October 2025**

Thank you for consulting me on the above application and apologies for the delay in responding.

The proposal does not raise any issues in relation to the safeguarding of minerals.

However, with regard to waste, the proposal involves the construction of a significant major development, as well as the demolition of the church. As such, the scheme will generate a substantial volume of waste. Policy SP1 of the Minerals and Waste Local Plan (MWLP) is therefore relevant.

Policy SP1 applies to all major developments and seeks to guide the use of minerals and waste resources in a way that positively contributes to addressing climate change. The policy encourages developments to support climate change mitigation, for example, by requiring the inclusion of more robust waste segregation and recycling infrastructure.

The application does not include a supporting statement outlining the waste prevention and management measures that will be implemented during the construction phase. Such measures are necessary to demonstrate how the proposal contributes to a circular economy and aligns with national objectives for waste management, which aim to minimise landfill use and maximise recycling. Any waste produced during the development must be managed in full accordance with

relevant waste legislation. Where possible, waste generation should be minimised and opportunities for the reuse or recycling of materials should be fully explored.

The planning system plays a vital role in encouraging the use of secondary and recycled materials and in preventing unnecessary waste during construction. New development should be designed with recycling and reuse opportunities in mind from the outset.

In accordance with Policy SP1 if the application is approved, the applicant should be required to submit a Resource Audit prior to the commencement of the development. This should set out how end-of-life considerations have been integrated into the design, including the selection of materials, and how resource efficiency will be achieved throughout the development lifecycle. This requirement can be secured through the following condition:

#### Resource Audit Condition

Prior to the commencement of development, a Resource Audit shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall identify the approach to materials and resource efficiency during the construction and operational phases of the development and shall include the following details:

- The amount and type of construction aggregates required and their likely source;
- Measures to minimise the use of raw materials (including hazardous materials) during construction, through sustainable design and the use of recycled or reprocessed materials;
- Steps to be taken to reduce, reuse and recycle waste (including hazardous waste) generated during the construction phase;
- The type and volume of waste expected to be generated during both the construction and operational phases of the development;
- Details of any on-site waste recycling facilities to be provided during construction and once the development is operational;
- Measures to maximise the diversion of waste from landfill during the operational phase, including recycling, composting, and recovery strategies;
- End-of-life considerations for materials used within the development, including potential for reuse and recyclability;
- An assessment of the embodied carbon and lifecycle carbon costs of materials to be used.

Thereafter, the construction of the development shall be carried out in full accordance with the approved Resource Audit unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the sustainable use of materials, promote efficient waste minimisation and management practices, and reduce the environmental impact of the development in accordance with Policy SP1 of the Herefordshire Minerals and Waste Local Plan, Policy SD1 of the Herefordshire Local Plan – Core Strategy, and the requirements of the National Planning Policy Framework.

#### **4.5 Principal Building Conservation Office: Qualified comments and conditions recommended - August 2025**

##### **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 affect any special architectural or historic interest.

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed to not affect any special architectural or historic interest.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy Policies.

Paragraph 135 of NPPF advises that planning policies and decisions should ensure developments should:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit

Paragraph 207 of NPPF advises that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

Paragraph 208 of NPPF advises that a “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 212 of NPPF advises “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 213 of NPPF advises “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 219 of NPPF advises “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset and based upon sufficient information to determine the effect upon each where they are relevant.

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas; conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including .....conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management.

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

Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

I have now visited the site and carefully considered the current application for the demolition of the former St Barnabas Church and its replacement with a new care home. Additional drawings showing the materials and elevation treatment have been submitted and the proposals have been prepared in accordance and amended in accordance with our detailed pre-application advice.

It is my opinion that the proposed development would result in a neutral impact in terms of the historic environment and therefore there is no objection on heritage grounds.

Notwithstanding the specification notes provided on the drawings, if you are minded to approve the application, I suggest the following conditions are included in addition to the standard planning conditions.

### **C13 -Samples of external materials**

A sample of the stone proposed for boundary walls, sample of the lime mortar and a sample panel to be approved prior to commencing construction of the boundary walls.

Samples of the proposed bricks, mortar and sample panels of brickwork to be approved prior to commencing brickwork and retained on site throughout the build period.

A sample panel of the textured render with colour to be approved prior to commencing any rendering.

A sample roof tile to be submitted and approved prior to commencing any roof coverings.

Manufacturers details of external joinery including colours to be submitted and approved prior to installation.

### **CE 2 Solar panels**

### **CC1 Floodlighting/ external lights**

### **CJ 3 Flues**

Other matters for consideration – I presume they will wish to include external signage so will this be a separate application.

Should there be a restriction on hours for floodlighting and will external lights be bat friendly?

## **4.6 NHS: Primary Care: General comment - August 2025**

### **1.0 Introduction**

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

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

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

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

## 3.0 Review of Planning Application

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

## 4.0 Community Infrastructure Level (CIL) Compliancy

4.1 In line with CIL compliancy, the ICB wishes to make a request related to the funding of health requirements through a planning obligation under S106 of the 1990 Act, which in order to be "CIL compliant" must meet the tests of specified in Regulation 122(2) of the Community Infrastructure Level (CIL) Regulations 2010. Those tests require that the sums are

- 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.

4.2 The commentary below explains how each of these tests has been met.

## 5.0 Assessment of Current Clinical Capacity

5.1 The proposed development site sits within the area of the following Primary Care Network(s) (PCN):

- Hereford City - WBC PCN
- Hereford Medical Group (HMG) PCN

PCN	List Size April 2020	List Size April 2025	Change %	Space required for current list size (m <sup>2</sup> ) *
Hereford City - WBC	29,611	31,371	5.61	2151.15
HMG	48,113	47,527	-1.23	3258.99

*\*Based on 120m<sup>2</sup> per 1750 patients (this is an average list size for a GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"*

5.2 Additional population growth and expanding housing developments create capacity issues within local General practice in terms of the additional staffing required to deliver services and the associated clinical space to accommodate additional staff.

5.3 In addition to this, since July 2019, GP Practices have been required to work collaboratively as Primary Care Networks and are responsible collectively for delivering additional services under the Primary Care Networks Directed Enhanced Service. These additional services require extra staff to be employed under the Additional Roles Scheme and therefore also require additional space within the practice.

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

5.4 Since the introduction of the additional roles scheme in July 2019, the following staff have been employed:

PCN	Number of ARRS Staff employed
Hereford City - WBC	15
HMG	15

5.5 All of these staff require accommodation within a GP Practice, or across several Practices. By being able to reconfigure space within the Practices, this will help to expand local GP services and also enhance the additional services on offer as a Primary Care Network.

## 6.0 Assessment of Development Impact on Existing Healthcare Provision

6.1 It has been calculated that the likely impact of the development is an additional 52 patients.

6.2 The ICB therefore considers a developer contribution will be required which would support the development of primary care infrastructure in the area as a consequence of the increase in demand caused by the proposed new housing development

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

## 7.0 Healthcare Needs Arising from the Proposed Development

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

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

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

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

Primary Care Network	Additional Population Growth (52 Bed Care Facility) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
WBC PCN HMG PCN	52	3.6	21,600
			Per bed: £415.38

**Notes:**

1. Calculated based on 1 resident per Bed.
2. Based on 120m<sup>2</sup> per 1750 patients (this is an average list size for a GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on a locally agreed m<sup>2</sup> cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£6,000/m<sup>2</sup>).

7.5 A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculate the level of contribution required in this instance directly relating to the number of dwellings to be **£21,600**. Payment should be made before the development commences. **These costs need to be index linked.**

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

## 8.0 Conclusions

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

8.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

8.3 Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire ICB would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

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

8.5 Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF).

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

## 4.7 Principal Natural Environment Officer (Landscape) comments: No objection – July 2025

The key landscape considerations is the historic and character setting, and the protection of existing TPO trees (Refer to figure 1). It is highly recommended that the submitted tree assessment and proposed landscape plan is reviewed by the Council's tree officer, to ensure that all measures and actions have been validated.

New trees will be provided for screening and landscape amenity, and this is welcomed. It would be useful to understand how the tree selection responds to the wider context and also neighbouring trees in terms of form and general green infrastructure relationships.

The BNG scrub is understood to fulfil BNG requirements, however is this type of landscape appropriate? For example, thorny species such as Blackthorn. Is there merit in considering other species rich native and non-natives that attract pollinators? For example, ornamental red currants (*Ribes sanguineum*) and cultivated Blackberries that provide valuable asset to wildlife, offering food and habitat resources. There are also environmental factors such as shade and tree cover that need to be taken into consideration for the species selection and effectiveness of the scrub.



Figure 1: TPO trees and listed buildings (blue outline)

#### 4.8 Principal Natural Environment Officer (Trees) comments: No objection – August 2025

I have reviewed the submitted documents and have the following comment in relation to the proposals and the existing arboricultural resource within the site.

There is a historic Tree Preservation Order on the site (TPO 96). Many of the trees are thought to have been removed since the order was confirmed but some trees are still present which relate to G1 and T2 within the tree survey.

The Arboricultural Impact Assessment (Haydons Arboricultural Consultants Ltd\_11445/DC/BM\_REA\_16.01.25) has identified all trees within the site and confirmed their overall condition and quality. The AIA confirms removals required (10 items in total) which are mostly low and Category U trees (8 out of 10). The remaining 2 trees are categorised as moderate quality, one of which is a TPO'd tree (Yew T2). The landscape strategy for the development (No30 Design Studio\_SE.P48.GD.01/SE.P48.GD.02\_April 2025) has provided information for adequate replacement tree planting to mitigate the loss of proposed tree removals.

The AIA also identifies incursions into RPA of retained trees and prescribes root pruning which is considered acceptable if undertaken in the correct manner. It is considered that this information can be requested in the form of an Arboricultural Method Statement (AMS) if consent is granted.

The existing site plan within the drawing pack indicates (existing site plan) that T1 and T2 are shown to be retained which is assumed to be a mistake as they are shown as removed on Plan 11445-D-AIA\_23.05.25. This plan should be updated and re-submitted to avoid confusion.

If consent is obtained a detailed tree protection plan will also be required which will form part of the requested AMS. This can be requested as a planning condition.

### Conditions

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

Arboricultural Impact Assessment (AIA)  
(Haydons Arboricultural Consultants Ltd\_11445/DC/BM\_REA\_16.01.25).

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.

Prior to the commencement of any works an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the AMS. The AMS/TPP should include information to ensure minimal impacts to retained trees from demolition and construction activities.

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.

#### 4.9 Principal Natural Environment Officer (Ecology) comments: No objection – February 2026

**Habitat Regulations Assessment:** No likely significant effects – no Appropriate Assessment required and planning permission can be legally granted. A consultation with NE is not required where a proposal is 'screened out' please see link for full comments:

<https://myaccount.herefordshire.gov.uk/documents?id=2e73b83a-01e9-11f1-9095-005056ab3a27>

#### Previous comments: September 2025

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 into the River Wye SAC catchment must be demonstrated

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

The proposal is for a 53 bed Care Facility with associated new foul and surface water flows (nutrient pathways) created.

- 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

- As currently submitted (and supported by HC Land Drainage Objection July 2025) no Surface Water management strategy has been supplied to demonstrate that the Sustainable Drainage System indicated on the application form can be achieved.
- A fully detailed surface water management strategy, plans and calculations, with scheme subject to a no objection response from the council's drainage consultants and DCWW is requested.
- This is required to demonstrate with scientific and legal certainty there will be no hydraulic overload and to minimise surface water flows to the DCWW mains sewer network with associated additional volumes of nutrient pathways created at discharge from the WWTW at Eign into the Wye.

Once the required detail to provide required legal and scientific certainty has been supplied the HRA process can be completed. Until such time a satisfactory HRA can be completed an ecology OBJECTION is raised due to likely adverse effect on the integrity of the River Wye SAC (SSSI). Contrary to Conservation of Habitats and Species Regulations, Wildlife & Countryside Act, NPPF, Core Strategy LD2. SD3, SD4, duties under Environment Act and LURA, council's declared Climate and Ecological Emergency.

### **Statutory Biodiversity Net Gain**

The supplied information appears relevant and appropriate. The applicant must be aware that some of the proposed BNG may not actually be appropriate or safe for use in a care home situation due to use of thorny species of woody scrub and required wildflower management regimes. They are advised to revisit the scheme prior to discharge submission and use of off-site Habitat Units may be more appropriate. The final BNG scheme must be fully linked to the wider landscaping scheme and management approved for the site.

Fully detailed information, HMMP (templates on govt website) and final metric will be required at 'discharge' of statutory BNG post planning permission being granted but prior to any works commencing on site. This 'discharge' information must include specific details of proposed

planting, protection, establishment and how it will be managed, maintained and formally monitored for the required minimum 30- year period.

### **Other Ecology Comments**

From supplied and available information there is no reason for the LPA to consider there are likely to be any effects on protected species or other ecological interests as a result of 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. There are records of multiple bats and other protected species within the wider locality.

### **Wildlife Protection Informative**

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

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:

### **To obtain Species (Biodiversity) Net Gain**

Prior to first occupation of the dwelling permitted under this planning permission, evidence such as photographs or ecologists report should be supplied to, and acknowledged by, the local authority of the appropriately located of the species enhancements as specified in section 4.3 of the ecology report by Aware Ecology dated 29/04/2025 . The installed features shall hereafter be maintained as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be installed in Ash Trees due to future effects of Ash Dieback Disease.

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.

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

Any external lighting provided as part of the permitted development shall only comprise of LED down-lighters with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio. 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

### **Previous comments: January 2025**

The Proposed Surface and Foul Water Drainage Strategy by GHBullard and Associated LLP (dated 18<sup>th</sup> September 2025) indicates that surface water flows will be managed via connection to the DCWW (Welsh Water) combined sewer which runs east along Venns lane. However, DCWW have advised that no surface water flows should communicate directly or indirectly with the public sewerage system and that the developer should exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000' (letter dated 23<sup>rd</sup> December 2025). Until a surface water strategy has been supplied which demonstrates that **all** other surface water drainage options have been explored and fully exhausted, and DCWW have confirmed that surface water flows can be managed via connection to the combined sewer (if applicable), it is recommended that this application is refused.

Regarding foul water, DCWW have stipulated that the application site shall be put into use no earlier than the 31<sup>st</sup> December 2026, unless the upgrading of the Hereford (Eign) wastewater treatment works (WwTW) has been completed and written confirmation of this has been issued to the LPA by DCWW. This is because the WwTW is currently failing to comply with the 95% quartile of its flow passed forward (FPF) performance at the time of consultation and they are required to deliver a scheme to ensure compliance. This will be secured via condition on any future approve planning permission for this application to align with the date of delivery.

4.10 **Archaeological Advisor: No objection - August 2025**

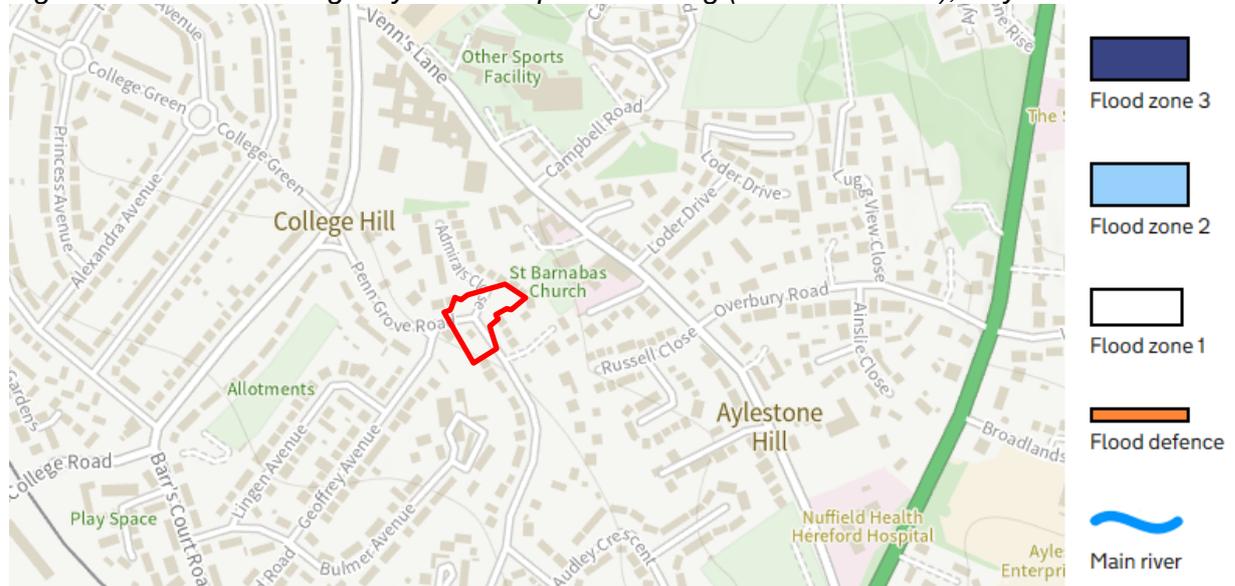
4.11 **Land Drainage: Qualified Comment and conditions recommended - February 2025**

Further knowledge of the development proposals has been obtained from the additional sources following our initial consultation response in July 2025:

- Proposed Surface and Foul Water Drainage Strategy – 18/09/2025;
- Supporting Drainage Info – Feb 2026.

**Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), July 2025



**Overview of the Proposal**

The Applicant proposes the demolition of existing church buildings and the construction of a new 52 bed care home. The site covers an area of approx. 0.05ha. Widemarsh Brook flows approx. 700m to the southwest of the site. The topography of the site slopes down from east (83.7mAOD) to west (77.9mAOD) by approx. 5.8m.

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

## **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*

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

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

## **Surface Water Drainage**

The Applicant has stated they do not believe a discharge to ground is viable, however they have not provided infiltration tests to wholly prove this. Further site investigation by the Applicant has ascertained that the surface water runoff from the existing church does drain into the combined sewer, and so the intended surface water discharge to the public combined sewer is consistent with the existing drainage strategy of the site.

Welsh Water have conditioned the discharge of surface water runoff into the combined sewer based on further exploration of discharging surface water runoff through the hierarchical approach. The Applicant has confirmed that this will provide a suitable opportunity for further consideration of rainwater harvesting, and possibly greywater recycling systems, to be considered within the proposals, which may also contribute to a reduction in the demand for potable water required for the development.

## **Foul Water Drainage**

As there is a foul public sewer within 30m of the proposed development site, a connection onto the foul public sewer must be sought. Welsh Water have confirmed that foul water flows from the proposed development can be accommodated within the immediate public sewage system.

## **Overall Comment**

### **No Objection**

We understand the Applicants intention to discharge both surface water runoff and foul water flows from the proposed development to the public combined sewer.

Welsh Water have accepted the discharge of foul water flows into the sewer network, but have requested that further investigation is undertaken into alternative surface water discharge, prior to accepting surface water runoff into the sewer network.

Should an alternative surface water discharge, other than to the sewer, be found the Land Drainage will need to be consulted at Discharge of Condition.

However, if, at DoC, the Applicant is still proposing a sewer discharge, then the Applicant will need to satisfy Welsh Waters Condition and detailed drainage plans submitted to show any proposed adoptions

Previous comments can be viewed online:

**July 2025:** <https://myaccount.herefordshire.gov.uk/documents?id=e9a2502f-6e00-11f0-9090-005056ab11cd>

#### **4.12 Strategic Housing Manager comments: General comment - February 2026**

Herefordshire has an aging population with increasing complex needs including dementia and clients experiencing mobility problems. There is a vast need in Hereford City for nursing care bed spaces as well as facilities that could deliver a discharge to assess/reablement service and housing with nursing care.

I can only see that the unit is being referred to as a care facility. Is it likely to offer nursing care? The council's main focus is to reduce residential care and increase nursing and dementia beds.

Consideration and engagement needs to be had with the NHS Herefordshire and Worcestershire Integrated Care Board (ICB) in relation to health-related resources being required to support this development such as local GP's and wider consideration of the workforce issues across Herefordshire.

In addition to this I would advise that Herefordshire Council are unable to guarantee placements.

#### **4.13 Hereford and Worcester Fire service: General comment - August 2025**

Good Morning, With regard to the attached Planning consultation letter regarding the application detailed: Planning Reconsultation -251696 - St Barnabas Church, St Barnabas Close, Hereford, Herefordshire, HR1 1DT

Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments: Fire Service Vehicle access to the new care home may need to comply with the requirements of ADB 2019 Vol. 2 B5, section 15 & Table 15.1 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 Care home should be in accordance with ADB 2019 Vol. 2 Table 15.2 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.

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

## **5. Representations**

### **5.1 Hereford City Council: September 2025 - No objection**

City Council resolved "No objection" to planning application P251696/F Proposed demolition of existing Church. Erection of 52 Bed care facility on three floors with ancillary areas and parking

#### **Publicity**

5.2 The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). As well as numerous site notice displayed around the application site. In addition, statutory consultees have been consulted.

5.3 At the time of publishing this report in response to the public consultation a total of 13 comments were received on the application throughout the process, detailing the following points:

#### **Design and impact upon Heritage Asset**

- The proposed build is higher and closer than the current church to the two listed buildings on Venns Lane with a roof height just below the existing Church bell tower however extending down St. Barnabas Close and through the length of the carpark.

#### **Landscaping/Trees/Ecology/Drainage**

- Provision of swift boxes
- Ensure drainage is secured and adequate
- Worried that trees will be cut down
- Arb report does not acknowledge how many are in the TPO and how many require work or are scheduled to be removed
- Concerns about ecology report and no bats present
- loss of Open Space, Green Space, Habitats. The current church building is modest and was designed to retain open space, surrounded by trees and grass. The new proposal would build over nearly all the existing green space.

#### **Amenity**

- Little community space and outdoor sitting areas for staff and residents
- lack of privacy for my property: closeness to my boundary and the height of the building, I will be overlooked by windows and a terrace where residents will be sitting and looking directly at the properties in Admirals Close
- Building needs to be further back and not as high and will block the light
- Proposal will prevent natural light to my property and cause shadowing of my property: The Vicarage 10 St Barnabas Close
- Concern over noise and privacy to surrounding private homes. A care home, by its very nature of need, is bound to incur the arrival and departure of vehicles for emergency needs during anti-social hours
- Currently no street lighting. The proposal will create lots of light and noise.
- The needs of safety at the home with include extensive external lighting. This will cause a disturbance to private homes nearby, especially those on Admiral's Close and St Barnabas Close.
- Insufficient outdoor space
- The proposals indicate a balcony from the lounge at first floor level. This directly overlooks the properties in Admirals Close, Due to the increased height and lack of screening, any persons using the balcony and possibly the lounge will not only see into our garden but will also be able to see down and into Bedroom, Bathrooms, Dining Room and Kitchen resulting in a complete and unacceptable lack of privacy. It is noted that it is proposed to provide suitable and sufficient screening, however, any planting will have to overcome a

steep embankment which will be part of the ground works (See above) Due to the bulk of the proposals it will obliterate a large percentage of the sky which is visible from our house. I do note that we will still have direct sunlight, however this will be a large, imposing structure which will dominate the skyline and garden.

- In winter, the existing trees that are retained will do nothing to maintain privacy or screen the properties.
- Then windows will be left open and noise from residents will be a significant issue (and this has been the case with elderly residents in distress from the adjacent home).
- Residents of Admirals Close - need to preserve their amenity/privacy
- Loss of Privacy : The Vicarage 10 St Barnabas Close.
  - 16 windows including a large circular window and 2 seated terrace areas that overlook my property from a height of over 11.5 meters measured from the patio at the back of their house.

### **Building Design**

- Too large for the site/size of the proposal
- Design of building not in keeping – impact on the aesthetics of the established residential area
- The proposed building is not in character with the local area, it will dwarf all surrounding buildings being twice the length and twice the width of the current church, in fact goes from 527 sq m to 3130 sq m.
- detrimental impact on properties 'below' it in Admiral's Close. The current church bell tower is very narrow in structure and does therefore not impact on any properties, but the proposed building's 3 storeys will extend to within just 4 metres of residential properties and at 4th storey level will be within 6 and 7.5 metres of existing boundaries of houses on Admiral's Close
- Over development. The built-up area would increase almost sixfold, from 527 sq m to 3,130 sq m. Footprint five to six times greater than the existing church.
- The remaining area of garden to the south of the site will also be steeply sloped and unsuitable for the residents to use. The long ramp between this and the rear terrace is testament to this and as it currently stands would need to be longer, with additional landings, to comply to Building Regulations and therefore more of the rear of the site will be required to have hardstanding which has not been accurately accounted for within the planning permission. The new terrace at the rear of the building will be 2-3m above ground level which will be level with the first floor of the dwellings at the rear of the site thus removing the privacy and quiet enjoyment of these properties completely. This information is taken from what spot heights are retained on the plans as there are no scale bars on the sectional drawings.
- The submitted drawings and documents do not accurately represent the sloping nature to the site, which drops about 5m from front to Admirals Close, gauged from the OS map.
- This means that the 3 Storey proposed building will be closer to 4 stories (plus the roof) when viewed from Admirals Close, which is massively out of keeping with the area and will further reduce privacy within the dwellings backing onto the site.
- The proposed building will be of significant scale. The current church is also quite a large building, but the new building will be a substantially bigger property. In my judgement from the road the building will not impose itself significantly because the design makes use of the fall of the land well. However, from the south it is likely to provide a very imposing aspect. This will alter the view for neighbouring properties especially in Admirals Close and The Old Vicarage in St Barnabas Close.

### **Traffic/Highways**

- 18 parking spaces inadequate for size of proposal
- St Barnabus is a private road- not to be adopted. Single carriageway with access to other residential properties.
- Pavements are narrow

- Is there sufficient space for ambulances and fire vehicles to access the building, sufficient cycle parking for staff and visitors, that it is safe and secure and located as close as possible to the main building. Provide electric bicycle points?
- The access road to the property is on a sharp corner of Venn's Lane which will also present a road/pedestrian safety concern.
- The access to and from Venns Lane needs improvement. There is limited visibility when turning left from St. Barnabas Close
- No provision is shown for construction parking whilst the build is underway
- Cause excessive and unnecessary parking in local area and blocking entrances
  - Newstead Close, Loder Drive, Helensdale Close

#### **Loss of community asset**

- Building has for some forty years been used as a centre for Christian worship, ministry, witness and prayer and as a community centre
- Several Christian groups, regularly using the building, were required to vacate the premises at the end of March 2024.
- This unusual modern building is fit for purpose, in decent order, and of significant architectural merit, and is probably one of the most imaginative and distinctive church buildings in the county constructed in the last fifty years.
- Whilst this building is not formally recognised as such, I ask the planning committee to give full regard to their duty, on behalf of the local community, where possible, to protect such special places, which significantly enhance the character of the built environment in their locality, and which are prominent landmarks on the skyline overlooking the city; its removal and loss would be to the detriment of all
- such facilities, in good condition, are in short supply in the Hereford area today.
- Nothing adequately mitigates for the major loss in attractive character of the area by replacing the present church building with an overbearing three storey nursing home extension, nor does it come close to offsetting the significant loss to the community of a good building, with various sized rooms available for public and church use.
- it is disappointing to lose the church which, prior to its closure, provided a valuable community space.

#### **Other**

- I concede the necessity to provide more care home beds in Hereford so therefore agree in principle to a care home on this site.
- the provision of a care facility on the site will be an asset to the city. The operator already operates a care home (immediately adjacent to this site) which has a good reputation
- House values

#### **Ward councillor Comments (Councillor Proctor/College Ward):**

5.4 As the local ward member I would like to make the following comments:

- it is disappointing to lose the church which, prior to its closure, provided a valuable community space.
- the provision of a care facility on the site will be an asset to the city. The operator already operates a care home in my ward (immediately adjacent to this site) which has a good reputation and I have not received any concerns about that care home from neighbouring properties. In principle I support the application.
- The proposed building will be of significant scale. The current church is also quite a large building but the new building will be a substantially bigger property. In my judgement from the road the building will not impose itself significantly because the design makes use of the fall of

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the land well. However from the south it is likely to provide a very imposing aspect. This will alter the view for neighbouring properties especially in Admirals Close and The Old Vicarage in St Barnabas Close. I hope that more might be done to mitigate the impact on the amenity of these properties.

- I am concerned about the vehicle access to and from Venns Lane into St Barnabas Close. The visibility at the current junction is not good and the pavements are narrow and tend to be crowded especially at school entry and leaving times. I hope that the design can be improved to create better visibility and a safer junction. I'm not an expert but I am also concerned that there is sufficient space for ambulances and fire vehicles to access the building.

- I would like the applicant to ensure there is sufficient cycle parking for staff and visitors, that it is safe and secure and located as close as possible to the main building. Two years ago my father was in a nearby care home and pressure on cycle parking was significant. I would also like the application to provide electric bicycle charging points in association with the cycle parking.

- I note there is a comment asking the applicant to provide swift nest bricks. Swifts certainly nest in the adjacent HCA property and this would seem to be an excellent suggestion.

- At least two local residents are concerned that there may be bats using the current building. I would ask that the council ecologist is satisfied on this point.

Overall I am supportive of the principle of building a care home on this site. I would like to ensure that the impact on the amenity of neighbouring properties is properly mitigated and that the design of internal roads and junctions provides safety and security for all highway users

- 5.5 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=251696&search-term=251696>

## 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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP). The relevant Policies are detailed above. The National Planning Policy Framework (NPPF) is also a significant material consideration.

- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 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 Core Strategy was adopted in October 2015 and a decision to review the Core Strategy was taken in November 2020.

- 6.4 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.

6.5 In reaching any decision, the level of consistency of policies of the adopted development plan against the NPPF will need to 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 Core Strategy 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.

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

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

6.7 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.

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

6.9 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria states Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.

6.10 Core Strategy Policy SS7 – Addressing climate change states Development proposals will be required to include measures which will mitigate their impact on climate change.

6.11 At a strategic level, this will include:

- focussing development to the most sustainable locations;
- delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;
- designing developments to reduce carbon emissions and use resources more efficiently;

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- promoting the use of decentralised and renewable or low carbon energy where appropriate; supporting affordable, local food production, processing and farming to reduce the county's contribution to food miles.
- protecting the best agricultural land where possible

6.12 Key considerations in terms of responses to climate change include:

- taking into account the known physical and environmental constraints when identifying locations for development;
- ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading; minimising the risk of flooding and making use of sustainable drainage methods;
- reducing heat island effects (for example through the provision of open space and water, planting and green roofs);
- reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and
- developments must demonstrate water efficiency measures to reduce demand on water resources.

6.13 Core Strategy Policy MT1 – Traffic management, highway safety and promoting active travel states Development proposals should incorporate the following principal requirements covering movement and transportation:

1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;
2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;
5. protect existing local and long-distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and
6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices. Where traffic management measures are introduced, they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.

6.14 Core Strategy Policy E1 – Employment provision states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged in circumstances including where:

- the proposal is appropriate in terms of its connectivity, scale, design and size; and
- the proposal makes better use of previously developed land or buildings.

- 6.15 Core Strategy Policy LD1 – Landscape and townscape criteria requires new development should achieve the following:
- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas; conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area’s character and by enabling appropriate uses, design and management
- 6.16 Core Strategy Policy LD2 - Biodiversity and geodiversity. Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire.
- 6.17 Core Strategy Policy SD1 – Sustainable design and energy efficiency states Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:
- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
  - safeguard residential amenity for existing and proposed residents;
  - ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
  - utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;
  - where possible, on-site renewable energy generation should also be incorporated
  - create safe and accessible environments, and that minimise opportunities for crime and anti-social behaviour by incorporating Secured by Design principles, and consider the incorporation of fire safety measure
- 6.18 Core Strategy Policy SC1 – Social and community facilities requires that “Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported...Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility...” The policy does not however contain a definition of what facilities are to be treated as ‘social and community facilities’. However, the supporting text states that: “Social and community facilities can be defined as physical facilities for different individuals and communities, which are provided by a range of organisations (public, private and voluntary). They provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities play an important role in the development of a vibrant community by creating a sense of place and providing a place for people to meet and interact socially.
- 6.19 They also offer services that are essential for education, health and well-being; and support community cohesion and benefit the general quality of life of residents. Social and community facilities can include: public services, community centres and public halls, arts and cultural facilities including theatres, public art and heritage centres; policing and criminal justice facilities, fire and ambulance services, health and education facilities including GP surgeries and NHS

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walk-in centres; public houses, local shops, public toilets, youth centres, social care facilities including day centres and child care facilities; places of worship, and services provided by the community and voluntary sector - for example scout and guide premises.

### **National Planning Policy Framework (NPPF February 2025)**

- 6.20 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application.
- 6.21 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.22 The above policies are in line with the NPPF (2025 update) in relation to delivering sufficient supply of homes. Paragraph 61 states that, in order to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community
- 6.23 Paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including, inter alia, housing for older people (including those who require retirement housing, housing with-care and care homes).
- 6.24 NPPF Paragraph 131 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 135 outlines “Planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”

- 6.25 Chapter 6 of the NPPF sets out policy guidance aimed at creating the conditions in which businesses can invest, expand, and adapt. Paragraph 85 recognises planning policies and decisions “should help create the conditions in which businesses can invest, expand and adapt.” Therefore, there should be significant weight on the need to support economic growth and productivity. This can be done by considering both local business needs and wider opportunities for development.
- 6.26 Paragraph 96 confirms planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
  - Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;
  - Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- 6.27 Chapter 9 addresses sustainable transport and states it should be ensured that:
- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - (b) safe and suitable access to the site can be achieved for all users;
  - (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.28 Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.29 Chapter 11 of the NPPF document is the ‘Making effective use of land’ and in terms of retail, paragraph 128 states that Local Planning Authorities (LPA) should take positive approach to applications for alternative uses of land which is currently developed.
- 6.30 Chapter 12 of the NPPF confirms that it’s important to create high quality, beautiful and sustainable buildings. NPPF Paragraph 131 states The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.31 Chapter 14 addressed climate change and flooding. Paragraph 167 states that, in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency, including through installation of solar panels).
- 6.32 Paragraph 181 states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 6.33 Paragraph 187 guides and states that planning decisions should “contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

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

6.34 Paragraph 198 advises planning decisions “should ensure that new development is appropriate for its location taking into account the likely effects... of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site” or the surrounding areas to impacts that could arise from the development activity.

6.35 Paragraph 58 mentions that planning obligations should “only be sought where they meet all of the following tests:  
 a) necessary to make the development acceptable in planning terms;  
 b) directly related to the development; and  
 c) fairly and reasonably related in scale and kind to the development.”

6.36 Planning Practice Guidance (PPG). Paragraph: 001 of the PPG states: “The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”

### **Key Considerations**

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

- Principle of Development
- Loss of Community Asset
- Design / Visual Impacts
- Amenity
- Landscape and Trees
- Highways / Access
- Heritage
- Ecology/HRA
- Drainage/Flood Risk/Potable water Supply
- Demolition
- Other Matters

### **Principle of Development**

6.38 The site is located within Hereford City. The NPPF encourages the re-use of brownfield land. Paragraph 124 states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

6.39 Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land”.

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Paragraph 125 (c) highlights that substantial weight should be given to “...using suitable brownfield land within settlements for homes and other identified needs...”.

- 6.40 It is considered that the site comprises brownfield land as it is occupied by a permanent structure (existing vacant church). It therefore follows that the proposals are consistent with the NPPF definition of “brownfield land” or “previously developed land as being “Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The thrust of the NPPF policy guidance that relates to the redevelopment of brownfield land and making efficient use of land is relevant to the proposals.
- 6.41 The proposals comprise the redevelopment of site and the erection of a new replacement care home which is considered to make an efficient use of the existing site. The proposals are therefore supported ‘in principle’ through the NPPF guidance.
- 6.42 Core Strategy Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. Policy SS1 confirms that proposals that accord with the policies of the Core Strategy (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Policy SS2 (Delivering new homes) states that Hereford is the focus for new housing development to support its role as the main centre in the county.
- 6.43 It must also be considered that the Core Strategy does not contain a policy that specifically relates to the provision of this type of development. Although there is support for provision under Policy H3 which policy relates to the provision of a range and mix of housing units and states that on larger housing sites of more than 50 dwellings developers will be expected to: “provide housing capable of meeting the specific needs of the elderly population by: providing specialist accommodation for older people in suitable locations...”.
- 6.44 Overall, while this site doesn’t form an allocation in the Core Strategy, this proposal would not fundamentally undermine the spatial strategy for Herefordshire which seeks to locate new development at the most sustainable locations, such as Hereford City.
- 6.45 The application site is evidently located in a sustainable location Therefore, as a starting point, it is considered that the development of the site for a care home does not raise any strategic conflict with the development strategy for Herefordshire, subject to other policy requirements being met.
- 6.46 Overall, it is considered that the principle of the proposed development is consistent with the overarching aims of the Core Strategy.
- 6.47 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 advised that some technical considerations will require their own respective assessment(s), as required by the NPPF (heritage impacts being a particular case in point).

### **Loss of Community Asset**

- 6.48 Core Strategic Policy SC1 relates to Social and Community facilities. Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported.
- 6.49 As detailed within the submission, St Barnabus Church was part of All Saints and then was transferred to the Parish of St Peter in 2008. The lower part of the building was used for community related purposes and for occasional worship. The upper part of the building was

leased to a local charity. The submission explains that the church is no longer needed by the parish (which has 3 other church buildings) and as such was declared closed for regular public worship on in June 2019.

6.50 In March 2020, the church building was leased to the 'Oasis Church' (an independent evangelical church), but this arrangement ended in July 2024. The church and the land around it have been actively marketed by the Diocese to seek/secure an alternative owner or user of the site.

6.51 Within the wording for Policy SC1 Social and community facilities it states

*Existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they Herefordshire Local Plan – Core Strategy 2011-2031 replace, in terms of size, quality and accessibility.*

6.52 Member's attention is drawn to the fact that the proposal does not seek to retain the existing facility, and this application does not provide a facility that is specifically listed in the social and community facility list in para 5.1.33 of the Core Strategy (see italicised extract below).

6.53 Nevertheless, as noted above, the church has been deemed surplus to the Parish's requirements. The ancillary facilities associated with its community uses can/have been accommodated at alternative sites within the Parish and, accordingly, the site is no longer required and has not been used by the Parish as a church and community facility since March 2023 and has otherwise been unused since July 2024. It is therefore considered that the Diocese has marketed the property in an appropriate manner and it is Officers opinion that alternative provision has in effect been made to offset this loss.

*public services, community centres and public halls, arts and cultural facilities including theatres, public art and heritage centres; policing and criminal justice facilities, fire and ambulance services, health and education facilities including GP surgeries and NHS walk-in centres; public houses, local shops, public toilets, youth centres, social care facilities including day centres and child care facilities; places of worship, and services provided by the community and voluntary sector - for example scout and guide premises*

6.54 However, it is acknowledged, as also stated within the supported information that this proposal is providing social and health provision in the form of a care home offer to older people. This use would complement the existing nursing and care homes in the local vicinity and contribute towards meeting a need for these kinds of care facilities. This is echoed in para 3.61 of the Core Strategy that states:

*Health services are being developed through an integrated approach of providing for an increased need for age-appropriate services (Understanding Herefordshire). This includes; access to community centres, keeping people independent in their own home and personalised services such as the provision of extra care homes and supported housing generally. Other objectives of this plan, such as improving the provision of open space to help combat obesity and mental health problems, and the provision of improved broadband technology to facilitate access to services, will all work together to provide for improved health and wellbeing in the future. The place shaping policies and the general policies on community facilities and housing will help to facilitate this approach.*

6.55 When assessing Policy SC1, Officers accept that there is a tension and this is noted in several representations, but the likelihood of the site continuing to be used for its originally intended purpose is negligible and the church/community use has been provided elsewhere. In this regard,

notwithstanding the fact that the functions for Church and community use have ceased, given the alternative provision in the locality, any resulting harm would be very limited and are considered to be outweighed by the social and economic benefits arising from the provision of extended care accommodation.

### **Design / Visual Impacts**

- 6.56 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.
- 6.57 At a local level the detail of design is principally assessed by Policy SD1 within the development plan 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.
- 6.58 The requirements of Policy SD1 are also 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.
- 6.59 There is no doubt that design is a subjective matter where many will have their own interpretation and design issues have been raised by residents with regards to the proposed building. In this regard, the proposal has evolved following extensive input prior to submission at the request of both officers and technical consultees.

In assessing what design is appropriate for this site, officers are mindful that the site is next to two existing care homes, heritage assets and is also close to existing residential development.

- 6.60 The proposed design can be seen below:



Figure 7: proposed elevations

- 6.61 The proposal is for a residential use and as such it would be expected that its design reflects in terms of a character that responds to its context as well as its proposed use as a care home. The end user had specific requirements for how the building needs to work with corridor widths, number of bedrooms being standardised.
- 6.62 As referenced above, the proposal has been amended and elements have now been included to take reference from the existing established character of the area, particularly in relation to the residential uses but also to other buildings which also adopt a dual pitched roof design. There has been a reduction in ridge heights and roof pitches, and the size and positioning of windows have been altered.
- 6.63 Also, the wing facing Venns Lane has been reduced to a single storey, and it is now set back from the road. There has been a reduction to the rear elevation (south west) which is now two storeys (previously 3 storeys). The overall siting of the building has also moved away from the rear boundaries. The levels at the rear provides an opportunity to move the scale away from the Venns Lane and the listed building known as Cox Cottage.
- 6.64 The introduction of more articulation has helped to break up the massing of the development. Officers have secured a scheme that includes pitched roofs and a greater variety of materials and forms to break up the mass of development and better reflect its surroundings. As can be seen from the proposed elevations there are proposed to be large, glazed areas and a design which helps to promote a residential rather than institutional character. The elevations also include balconies which assist in enhancing the visual rhythm as well as promoting user engagement with the outdoors.
- 6.65 The inclusion of more varied pitched roof forms and elevational treatments are considered successful in breaking up the massing of the building and in conclusion its character is considered to be appropriate to its context, striking a balance between the mix of residential and care home developments incorporating local architectural styles and materials to ensure harmony with the

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existing environment. Furthermore, the proposed materials are appropriate to their context and will help the site assimilate into its setting, which will be aided by the landscaping scheme. Officers do however consider it prudent to require the approval of materials samples prior to their installation to ensure that the quality of development delivered on this prominent site is of an adequate standard.

- 6.66 Several objections (immediate local resident) refer to the proposal for 3 storey development as inappropriate to its context. Although it is accepted that residential properties are mostly 2 storeys in height, there are also some three-storey buildings in the immediate vicinity. Officers also note that the site is viewed in the context of Newstead House which is a larger building. Concerns have also raised about proximity of buildings to neighbouring and a such the buildings has been repositioned away from the boundaries, and the design of the proposed balconies has evolved in regards their location with screening and planting.
- 6.67 The images below illustrate the variation in roof forms and materials and with regards to the proposed height, scale and massing of the care home, Officers are of the view that the proposal provides an acceptable response to the scale of surrounding development.



*Figure 8: Elevation*

- 6.68 Although the proposal represents a considerable mass of development, it is considered to be well related to the scale, form and character of the settlement/built up area and its setting. The proposals result in no significant conflict with the above-mentioned policies in terms of design and visual impacts



*Figure 9: Elevation*



*Figure 10: Elevation*

6.69 Overall, it is considered that whilst the proposal would introduce a change in the character and appearance of the surrounding area, it will be in keeping with the surrounding area. It has been designed to deliver a high-quality modern care home facility that will assimilate with the surrounding vernacular through varied ridge heights and materials which help to also break up the mass of the proposed building into smaller blocks, reflecting the forms and proportions of existing nearby residential development. Furthermore, it should be acknowledged that this site is adjacent to a large existing care homes and within an area of varying building heights. Accordingly, officers do not consider that there is conflict with Policies SS6, SD1, LD1 and LD3 of the Core Strategy which is consistent with Sections 12 and 15 of the NPPF.

**Amenity including noise and disturbance/impact on living conditions**

6.70 Core Strategy Policy SD1 and NPPF Core Planning Principles require good standards of amenity including matters such as overlooking, noise, fumes, overshadowing and loss of light.

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Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution. It is acknowledged that there are residential properties in close proximity, in particular, in Admirals Close and St Barnabas Close and the Vicarage. When reviewing the proposal in regards to the potential effect of noise, vibration, smell, and other pollution, the proposal has been assessed by officers and technical officers within the Environmental Health Team.

- 6.71 The NPPF recognises the need to make efficient use of land, whilst ensuring safe and healthy living conditions and that developments should create safe, inclusive and accessible places that promote health and well-being with a high standard of amenity for existing and future users where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.72 Officers are mindful of the site's topography as there is a significant change in levels across the site with the land at the Venns Lane being considerably higher than to the west. The car park on the site is at the lower end of the site and the properties which abut the site in Admirals Close are at a lower level still.
- 6.73 Several local residents have raised concerns in relation to the impact of the proposal upon neighbouring residential amenity with specific regard to overlooking and unacceptable loss of privacy. In particular properties 14-18 Admirals Close located to the southwest and The Vicarage located to the west within St Barnabas Close.
- 6.74 As advised above officers are mindful that the land slopes away, however the building has been pulled away from the boundaries, and the windows and balconies have been located and positioned so as to reduce overlooking. Officers do acknowledge that the balconies would, of course, be elevated due to its position and a degree of overlooking, is commonplace in a residential area but it is not considered that the proposal would increase the opportunity for overlooking further than, for example, bedroom windows. Also, the design includes balconies and windows which will be recessed.
- 6.75 Officers are satisfied that the proposal has been designed in a way to minimise potential harm to the privacy of adjoining properties. Also, the balcony uses will be limited in terms of functional space and the ultimate use of the balconies would be limited and cannot be said to present potential for intensive use or overlooking/loss of privacy to the detriment of neighbouring properties.
- 6.76 The application has been reviewed by the Council's Environment Health Officers who have confirmed that on the basis that all noise-generating plant is to be housed internally, they have no objection to the proposal and as such there is no potential for any noisy external plant and / or commercial kitchen ventilation and extraction systems to adversely impact neighbouring residential amenity.
- 6.77 A construction management plan has been recommended in order to control and minimise disturbance during the construction phase, given the proximity of the site to residential receptors. Once completed, the development should have no greater implications for noise generation or nuisance than the existing use. A condition is recommended for the submission of external lighting details such that all reasonable mitigation measures can be assessed and implemented.
- 6.78 Furthermore, conditions shall be imposed to control the hours of working during the construction period and for the submission of a construction management plan, to limit impacts of dust and noise upon surrounding occupiers to satisfactory levels during construction.
- 6.79 The proposed development has been designed to consider the impact of the increased scale of building on adjacent occupiers and future occupiers in the development. Officers consider that the proposals will not give rise to any significant adverse impact on the amenity adjoining

occupiers within the nearest dwellings. The living conditions of occupiers within the development will also be adequate. Therefore, officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy SD1 and SS6 of the Herefordshire Core strategy and the NPPF in terms of safeguarding amenity.

### **Landscaping and Trees**

- 6.80 Core Strategy policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design.
- 6.81 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore, LD1 seeks to and extend tree cover where important to amenity.
- 6.82 As part of the submission and in specific reference to arboricultural/tree considerations, the application has been reviewed by the Tree Officer who raises no objection subject to conditions in line with the aims of the NPPF with respect to trees and policies LD1 and LD3 of the Core Strategies. The application has been supported by a tree survey and an Arboricultural Impact Assessment as there is an historic Tree Preservation Order on the site (TPO 96). However, as highlighted within the Tree officer comments many of the trees are thought to have been removed since the Order was confirmed but some trees are still present (G1 and T2 within the tree survey).
- 6.83 The proposal therefore accords with the requirement of Core Strategy Policy LD1 to maintain tree cover where important to amenity and paragraph 136 of the NPPF which requires that existing trees are retained wherever possible. Therefore, officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy LD1 and LD3 of the Herefordshire Core Strategy.
- 6.84 As part of the proposal a landscaping scheme has been provided, and this highlights outdoor spaces, terraced gardens and sensory planting areas accessible from ground floor and balconies on upper floors. The Landscape Officer has highlighted that the proposed new tree planting for screening and landscape amenity is welcomed. It is also noted that existing boundaries will be further reinforced with mature planting to preserve and enhance the privacy of neighbouring residential properties. Although the submitted landscaping scheme is broadly acceptable, it is considered necessary to request further details in this respect to ensure the quality and type of planting is adequate as well as assisting to provide an adequate buffer between the site and its surroundings and to deliver suitable biodiversity enhancements in line with comments provided by the Council's Ecologist. A condition has been added to secure details of planting maintenance.
- 6.85 Accordingly, the development is considered to accord with policy LD1 through the appropriate replacement of trees lost and new planting to support green infrastructure. Both the Tree Officer and Landscape Officer have raised no objection and concluded that the proposal is in accordance with Core Strategy Policy LD1 and LD3 and paragraph 136 of the NPPF which requires that existing trees are retained wherever possible.

### **Access, highway and pedestrian safety and connectivity**

- 6.86 Policy MT1 of the Core Strategy 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. Core Strategy 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.

- 6.87 The NPPF sets out at paragraph 114 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated.
- 6.88 Within the submission details have been provided on staffing levels; shift times; and the staggering of staff arriving and leaving times. Following discussions with the Council's Area Engineer, further amendments were sought to address to resolve concerns from highway officers about the originally submitted parking layout plan. The Area Engineer has subsequently confirmed that the proposals meet the required standards for parking and access. Details confirm parking on site for a total of 18 cars as well as an ambulance bay and also a servicing space. The layout shows pedestrian pathways to ensure ease of access to the site and main entrance, as well as a drop-off area provided at the entrance for ambulances and visitor convenience.
- 6.89 The layout proposes an "In and Out" access arrangement is and this is acceptable on the basis of the installation, retention, and management of the barrier control system to ensure the arrangement operates as intended. Details of the barrier type, operation (e.g. automatic or manually controlled), and its management will be secured by an appropriately worded condition. The proposed access arrangement is considered to reduce impact on local properties Cycle parking will also be secured by an appropriately worded condition; it is noted the request for electric bike charging points however this will be provided at the discretion of the applicant.
- 6.90 As part of this application a travel pack has been supplied, however a Travel Plan is considered to be an additional requirement, which when submitted, will aim to maximise active modes of travel and use of public transport and this will be secured by an appropriately worded condition.
- 6.91 To conclude the proposal has been reviewed by the Area Engineer who confirmed that subject to conditions the proposal is considered to adhere to Core Strategy MT1 and the published Highways Design Guidance. Any vehicular uplift is not considered to be severe in accordance with the NPPF and it is maintained that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. Therefore officers are satisfied the proposal is in accordance with Core Strategy policies SS4 and MT1 and the requirements of the NPPF.

## **Heritage**

- 6.92 The Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.93 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and notes heritage assets and specifically those with environmental designations.

- 6.94 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 6.95 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 section to conserving and enhancing the historic environment (Chapter 16).
- 6.96 When considering the impact of a development proposal upon the setting of a heritage asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.97 The site is not within a conservation area, nor does it contain any designated or non-designated heritage assets. However, it does adjoin heritage assets.
- 6.98 Furthermore, the brick church and community building with its central 'bellcote' is a bespoke structure and was architecturally designed in the 1980's. The building is not listed nor is considered to be a non-designated heritage asset and it is not listed in a conservation area. As such noting the age, design and character of the building, officers would not consider the building to be of local interest to warrant retention. Therefore, officers raise no objections to the proposed demolition.
- 6.99 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.
- 6.100 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).
- 6.101 Paragraph 210 goes onto 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.
- 6.102 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.
- 6.103 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.

6.104 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.

6.105 Paragraph 215 states:

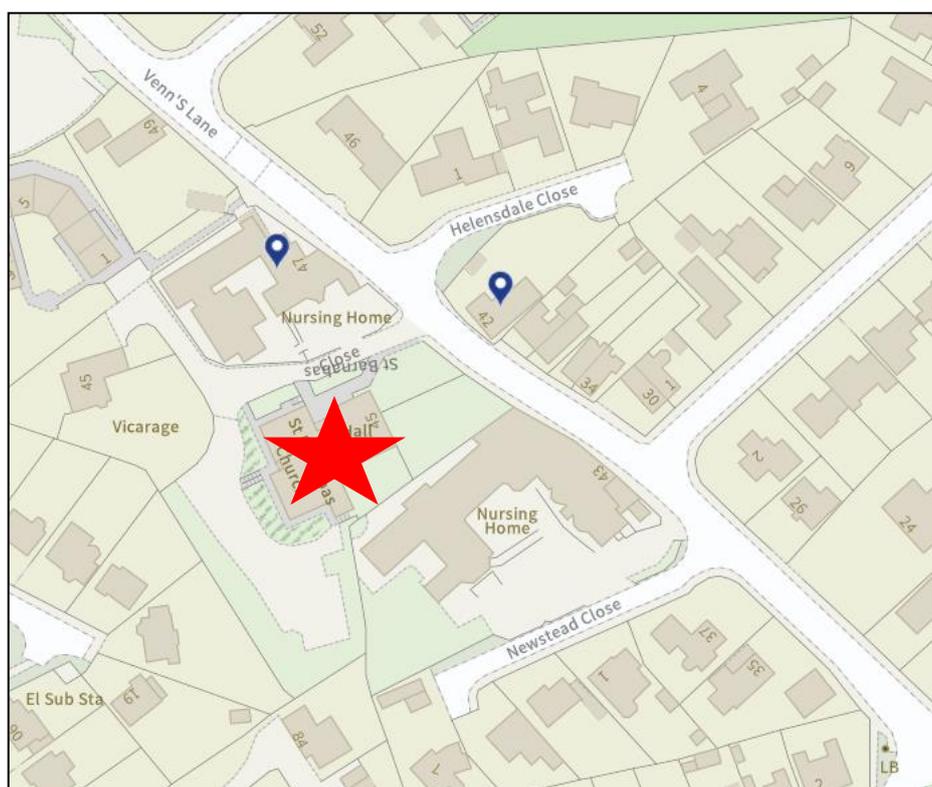
*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

6.106 It is acknowledged that heritage matters have been covered within the application in the planning statement.

6.107 This site and the surrounding area is affected by the following heritage assets:

- Listed Buildings;
  - Grade II - Cox Cottage, 42 Venns Lane. List Entry no: 1196889
  - Grade II – Abbey Grange List Entry no: 1207814

6.108 The maps overleaf seek to identify the extent and approximate position of the above assets:



**Figure 11** 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 star).

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

- 6.109 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.
- 6.110 The Council's Principal Building Conservation Officer has not raised adverse comments with respect to the impact of the proposed development upon the setting, experience and significance of adjacent listed buildings. They have confirmed that following the submission of additional drawings showing the materials and elevation treatment that the proposed development would result in a neutral impact in terms of the historic environment and therefore raised no objection on heritage grounds, albeit a number of bespoke conditions linked to securing materials details are recommended.
- 6.111 Officers concur with the view of the Council's Principal Building Conservation Officer that, subject to confirmation of materials, the proposed does not lead to harm to the setting, experience, or significance of the nearby listed buildings.
- 6.112 Paragraph 215 of the NPPF requires that if a development causes "less than substantial harm" to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. As there is no harm to the significance, the strict balancing test in Paragraph 215 is not triggered. However, for completeness a balancing test has been considered and undertaken below:

#### **Public Benefits test**

- 6.113 The NPPG states 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), not just simply needing to be related to or focused on heritage benefits. Public benefits should flow from the proposed development, and 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).
- 6.114 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
- 6.115 There would be several public benefits including:
- The redevelopment of a previously developed brownfield site in accessible sustainable location
  - Provision of housing for older people where there is a need identified;
  - Economic benefits from development in the creation of construction jobs during the construction phase, a number of which could benefit local tradespeople;
  - New jobs created from the operation of the care home
  - Business rates
  - Economic benefits to the city of Hereford and wider area as a whole, including continued viability and vitality of such services through spending; and
  - Biodiversity Net Gain uplift

- 6.116 Notwithstanding the setting out of the associated public benefits, the proposal 'passes' the Paragraph 215 test of the NPPF and is not considered to conflict with Core Strategy Policies SS6, LD1 or LD4. The statutory duties as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, are viewed to be accordingly discharged.

### **Ecology and Biodiversity**

- 6.117 Core Strategy 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.
- 6.118 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The application is supported by an ecology report by Aware Ecology dated 29/04/2025. The ecological report and application have been reviewed by the Councils' ecology officers. Officers note the concerns raised by residents about the presence of bats, but Ecology colleagues have raised no objection to the findings and advised that from the supplied information there is no reason for the Local Planning Authority to consider there will be any significant or longer-term impacts on local protected species population or other wildlife. Mitigation and enhancement measures within are secured by condition. Conditions restricting lighting to protect dark skies, proposed biodiversity net gain enhancement features are included as per the Ecology recommendations. Subject to conditions, the proposal is therefore considered acceptable and in accordance with policy LD2 and SS6 of the Core Strategy and the NPPF.
- 6.119 This application will be subject to BNG under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Therefore, the development must deliver a BNG of 10%. This means that the development will result in more or better-quality natural habitat than before. The BNG information has been reviewed at application stage by the ecology officer and have officered advise that some of the proposed BNG may not actually be appropriate or safe for use in a care home situation due to use of thorny species of woody scrub and required wildflower management regimes. They are advised to revisit the scheme prior to any future discharge submission.

### **Habitat Regulations Assessment**

- 6.120 The application site is within River Wye SAC catchment, and this proposed development triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the Local Planning Authority. Following the submission of additional clarification and details relating to both foul and surface water information, the Council's Ecologist has reviewed the submitted proposal and highlighted that the Habitat Regulations Assessment concludes 'No likely significant effects and also that no Appropriate Assessment is required such that planning permission can be legally granted. A consultation with Natural England is not required where a proposal is 'screened out'.
- 6.121 As such the proposal complies with Core Strategy Policies SS6, LD2, SD3 and SD4 and it has been concluded that there will be no adverse effects upon the hydrological catchment of the River Wye Special Area of Conservation and Site of Special Scientific Interest subject to the mitigation proposed.

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## **Flood Risk and Drainage**

- 6.122 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.
- 6.123 Policy SD3 of the Core strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 6.124 Policies SD3 and SD4 within the Core Strategy 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.
- 6.125 The application site is located within Flood Zone 1. As such the proposal, therefore, meets the expectations of paragraph 170 of the NPPF to steer new development to areas with the lowest risk of flooding. A drainage Strategy and additional drainage information has been submitted in support of the application.
- 6.126 As confirmed by drainage colleagues the site is not located within an area at risk of surface water flooding or within a designated Source Protection Zone or Principal Aquifer.
- 6.127 The proposal intends to discharge both surface water runoff and foul water flows to the public combined sewer. The most recent comments from Welsh Water have accepted the principle of the discharge of foul water flows into the sewer network, but they have requested that further investigation is undertaken into alternative surface water discharge, prior to accepting surface water runoff into the sewer network. Welsh Water have a requested condition to satisfy their concerns and drainage colleagues have confirmed they have no objection however have advised that should an alternative surface water discharge, other than to the sewer, be found they will need to be consulted at Discharge of Condition stage.
- 6.128 Given the above, it is considered that the proposed development accords with Core Strategy Policy SD3 and SD4 as well as Paragraphs 181 and 182 of the NPPF.

## **Potable Water/Water Supply**

- 6.129 During the consideration of the application Welsh Water have removed their objection on water supply and have in their most recent commentary acknowledged that this site can be supplied with a potable water supply with a potential scheme to reinforce the local network. They have advised that the proposal 'will require the installation of a new single water connection to serve the new premises' which would be considered under the provisions of Section 45 of the Water industry Act 1991 apply. As such as requested by Welsh Water a suitable worded condition is recommended.

## **Demolition/Construction Management**

- 6.130 The principle of the demolition of the existing church building on site is to be considered as part of this application, see figure 9 below which highlights the structures on site to be demolished.
- 6.131 The Minerals and Waste Officer have been consulted and has advised that since the proposal involves the construction of a significant major development and will generate significant volumes

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of construction materials and demolition waste, Policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.

6.132 In this regard, a construction management plan is required by condition which would include the above requirements as well as management during the overall construction programme. To make sure construction and demolition is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part the city, a condition is included which requires the submission and approval of a construction management plan.

6.133 Also, as per the Minerals and Waste Officer`s comments the planning system has a role to play in encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The used of materials and waste resources will be directed to contribute positively to addressing climate change. As such and in accordance with policy SP1 of the Minerals and Waste Local Plan a condition has been added to secure the submission of a Resource Audit to set out end of life considerations for the materials used in the proposed development



**Figure 12: Demolition Plan**

6.134 As advised above appropriate conditions have been added to manage the demolition and removal of waste from the site, neighbouring amenity as well as to protect wildlife/protected species.

**Other matters**

**Infrastructure / Financial Contributions**

6.135 Notwithstanding the consultee comments received from the NHS requesting contributions, given the proposed occupation and nature of the scheme it is concluded that there is no requirement to secure contributions. This is as per para 3.5.11 of the Herefordshire Planning Obligations SPD which states:

*‘the following types of residential accommodation will not be subject to contributions: sheltered housing, rest homes, nursing homes, hostels, holiday homes, one bedroom*

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*units or from other specialist housing where it can be demonstrated that the nature of the accommodation will not lead it to being occupied by children’.*

### **Affordable housing provision**

- 6.136 As per the Affordable Housing SPD (2021) (see extract below), there is no requirement to provide affordable housing:

*‘institutional care homes, and nursing homes (C2) will not be subject to affordable housing requirements.’*

### **Climate Change/renewable/Sustainable energy**

- 6.137 Core Strategy policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 and SD2 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.138 Chapter 14 of the NPPF is also of relevance with, paragraph 164 stating that development should be planned so that they:

“a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

- 6.139 Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”

- 6.140 The application site is located within a sustainable location with access to a range of amenities, transport services as well as being in close proximity to a residential neighbourhood which the proposed use is largely intended to serve and therefore reducing the distance need to travel. As part of the submission the application is supported by a design and access statement (chapter 6 Sustainability & Energy Efficiency) which seeks to demonstrate how the development would achieve both a sustainable design and construction. The proposal includes:

- High-performance glazing.
- Low-energy lighting and ventilation systems.
- photovoltaic panels and stormwater holding tanks providing filtered water for toilet flushing and garden watering

- 6.141 This is in line with Core Strategy Policy SD2 and is considered to represent an appropriate commitment within the scope of current policy provisions

### **Advertisements**

- 6.142 Signage related to the proposed care home is not a matter to be considered under this application.

## **Non material planning considerations**

- 6.143 Whilst concerns raised in regard to negative effects on the value and resale of properties are understood it is a well-established principle these are not material planning considerations and must not be attributed any weight.

## **Conclusion and Planning Balance**

- 6.144 The application seeks full planning permission to erect a 52-bedroom care home and demolish the existing church on the site. As a starting point, it has been demonstrated that the proposed development accords within the development plan when read as a whole. The application site is located within Hereford City on a brownfield site where the principle of development is acceptable.
- 6.145 In addition, it is recognised that the proposal would make a significant positive contribution towards helping to meet the housing needs of older people, in accordance with the NPPF and the PPG. The proposal would also contribute towards the Council's housing land supply and it should be recognised that Herefordshire Council is currently unable to demonstrate a 5YHLS which represents a significant material consideration in relation to the determination of this application
- 6.146 Concerns raised by local residents of the proposal have been reported above and it is considered that the matters raised have been addressed in the report. Subject to the use of appropriate planning conditions the development would not give rise to unacceptable impacts in relation to flood risk and drainage, local landscape character, arboricultural effects, ecology, energy and sustainability, highway safety and residential amenity (including noise). Furthermore no harm has been identified to nearby heritage assets
- 6.147 As detailed above the proposed design, scale and layout and landscaping of the proposal would make a positive contribution to the surrounding areas and the site without appearing out of character or impacting the residential amenity of existing occupiers of residential development in close proximity.
- 6.148 It is considered that the application proposal comprises an acceptable form of development and an efficient use of the site, in terms of the Core Strategy and NPPF.
- 6.149 Overall, the planning policy assessment contained above demonstrates that the proposed development is consistent with planning policy at a local and national level. Therefore, as per Core Strategy Policy SS1 and Paragraph 11c) planning permission should be granted without delay.
- 6.150 In this circumstance, according to paragraph 11d) of the NPPF the most important policies relevant to the determination of the application are out of date and 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.
- 6.151 In this regard, when assessing the Proposed Development under paragraph 11d), it is considered that the harm arising from the proposed development would not significantly and demonstrably outweigh the identified benefits which are set out below:

## **Social benefits**

- 6.152 There is a need for the housing need for older people and would contribute to the choice of accommodation in the catchment and the local authority area. The NPPF and the PPG recognise the importance of providing a diverse range of housing to meet the needs of older people. It is therefore considered that the provision of a 52 bedroom care home is a benefit that can be attributed significant weight. Additionally, the proposal will contribute to Herefordshire Council's housing land supply, as the Council includes care homes within its calculations for housing land supply. This is a benefit that should also be attributed significant weight in the planning balance.
- 6.153 The provision of care beds which could contribute to alleviating issues with delayed hospital discharges keeping elderly patients in NHS acute settings longer than necessary, when cost-effective care home beds could provide step-down, rehabilitation, or long-term care. Also this is crucial for freeing up NHS beds for those who most need them. This would contribute further social benefits (and economic benefits). Also, a further benefit of the proposed care home is that it will enable/facilitate many of the future occupiers, who currently live in their own homes, to move out into more suitable accommodation. This will free up existing housing stock which can be released into the market. Weight should also be attributed to this as a benefit of the proposal.

## **Economic benefits**

- 6.154 Paragraph 85 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposed development would provide considerable economic benefits during both construction and operation which weigh in favour of the scheme. These includes the generation of jobs during construction; the generation of economic output of construction; the generation full time equivalent jobs once operational; and the generation of economic output per annum during the operational phase from residents and staff of the care home contributing to the local economy. It is considered that these economic benefits contribute significant positive weight in the planning balance.

## **Environmental benefits**

- 6.155 The proposal site is an acknowledged sustainable location in Hereford and whilst there will be a change in the character of the site and locality, the proposal does not affect any designated landscape or heritage asset. The proposal will include the provision of uplift in biodiversity on the site as well as the delivery of new landscaping and maintenance of the TPO trees.

## **Conclusion**

- 6.156 The proposed development is considered to accord with all 3 objectives of sustainable development as set out within the NPPF and evidently represents a sustainable form of development. In this regard, paragraph 39 of the NPPF states that 'decision-makers at every level should seek to approve applications for sustainable development where possible'
- 6.157 Therefore, it can also be concluded that the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole. In this circumstance, paragraph 11d) of the NPPF advises that planning permission should be granted.
- 6.158 The proposed development would make efficient use of a previously developed site and is accessible by a choice of means of transport. There is also not considered to be any conflict with Policy SC1 in regard to the loss of the existing building on the site. The principle of redevelopment of the site for a care home use is considered acceptable.
- 6.159 The proposal is appropriate in terms of its scale and function to its location. It is considered that it is unlikely to lead to any negative impacts to residential amenity and no harm to heritage assets,

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or the operation of the local highway. As the report concludes subject to appropriately worded conditions the proposal is considered acceptable in all other technical aspects including transport/car parking; flood risk and drainage; ecological impact; design and landscaping, and noise. Overall, Officers note that while the proposal could result in some tension with development plan policies, there is a reasonable case that other considerations and benefits should outweigh this tension. As such, the proposal is considered to accord with the development plan and there are no material considerations to indicate that planning permission should not be granted. Approval of the application is therefore recommended subject to the imposition of planning conditions.

## **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 Time limit for commencement (full permission)**

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

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

#### **2 Approved Plans**

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

- Site Location Plan and Block Plan: DWG 805 041 B
- Drawing mark up Plan: DWG: 805 050
- External works and car park: DWG: 805 030 H
- Existing plans and elevations: DWG: 805 040
- Level 0 Floor Plan DWG: 805 043
- Level 1 Floor Plan DWG: 805 044
- Level 2 Floor Plan DWG: 805 045
- Level 0 Floor Plan DWG: 805 050
- Proposed elevations: Plan DWG: 805 046
- Proposed elevations: Plan DWG: 805 047
- Floor Plan Level 0 DWG: 805 032
- Floor Plan Level 1 DWG: 805 033
- Floor Plan level 2 DWG: 805 034
- Floor Plan Lower level DWG: 805 031
- Landscaping scheme level 1 DWG SE P48 GD01
- Landscaping scheme level 1 DWG SE P48 GD02
- Topographical survey DWG BA 350200123-01A
- Topographical survey with UGS DWG BA 2500780 01
- Haydon Plan/Tree Plan : 11445-D-AIA Rev B

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

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

### **Prior to Commencement**

#### **3 Resource Audit**

Development shall not begin on either the demolition or construction until a Resource Audit shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall identify the approach to materials and resource efficiency during the construction and operational phases of the development and shall include the following details:

- The amount and type of construction aggregates required and their likely source;
- Measures to minimise the use of raw materials (including hazardous materials) during construction, through sustainable design and the use of recycled or reprocessed materials;
- Steps to be taken to reduce, reuse and recycle waste (including hazardous waste) generated during the construction phase;
- The type and volume of waste expected to be generated during both the construction and operational phases of the development;
- Details of any on-site waste recycling facilities to be provided during construction and once the development is operational;
- Measures to maximise the diversion of waste from landfill during the operational phase, including recycling, composting, and recovery strategies;
- End-of-life considerations for materials used within the development, including potential for reuse and recyclability;
- An assessment of the embodied carbon and lifecycle carbon costs of materials to be used.

Thereafter, the construction of the development shall be carried out in full accordance with the approved Resource Audit unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the sustainable use of materials, promote efficient waste minimisation and management practices, and reduce the environmental impact of the development in accordance with Policy SP1 of the Herefordshire Minerals and Waste Local Plan, Policy SD1 of the Herefordshire Local Plan – Core Strategy, and the requirements of the National Planning Policy Framework.

#### **4 Construction Management Plan**

Development shall not begin on either the demolition or construction 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 (including construction working hours)

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 Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**5 Potable Water**

**Development shall not begin on either the demolition or construction until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.**

**Reason:** To ensure the site is served by a suitable potable water supply and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**6 Drainage Scheme**

**Development shall not begin on either the demolition or construction until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**7 Arboricultural Method Statement / Tree Protection Plan**

**Development shall not begin on either the demolition or construction until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) must be submitted and approved by the Local Planning Authority and the development shall be carried out in accordance with the AMS. The AMS/TPP should include information to ensure minimal impacts to retained trees from demolition and construction activities.**

**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.

**Other Stage Conditions**

**8 Flues etc details**

**With the exception of any site clearance and groundwork, no further development shall take place until details of the size, position, type and colour of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in**

writing by the Local Planning Authority before the commencement of the relevant section of works. 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.

## **9 Materials**

With the exception of any site clearance and groundwork, no further development shall take place until details have been submitted to and approved in writing by the local planning authority of samples of materials to be used for the stone proposed for boundary walls, sample of the lime mortar and a sample panel to be approved prior to commencing construction of the boundary walls.

- Samples of the proposed bricks, mortar and sample panels of brickwork to be approved prior to commencing brickwork and retained on site throughout the build period.
- A sample panel of the textured render with colour to be approved prior to commencing any rendering.
- A sample roof tile to be submitted and approved prior to commencing any roof coverings.

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 Polies SD1, of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework.

### **Prior to Occupation**

## **10 Barrier Control System – Installation and Retention (Pre-Occupation & Permanent Retention)**

Prior to the first use of the development, full details of the entry barrier system serving the Venns Lane access— including its specification, method of operation (e.g. automatic detection), fail-safe procedures, and long-term management arrangements— shall be submitted to and approved in writing by the Local Planning Authority. The barrier system shall be installed in accordance with the approved details prior to first use of the development and shall thereafter be retained, operated, and maintained for the lifetime of the development to ensure the access functions as “in-only” as assessed.

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

## **11 Hard and soft Landscaping**

With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

**These details shall include:**

- a) A plan showing existing and proposed finished levels or contours;
- b) A drawing detailing hard surfacing materials;
- c) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details;

**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.

## **12 Landscape Management**

**Prior to occupation of the development hereby permitted, a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.**

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

## **13 Ecology**

**Prior to first occupation of the care facility hereby approved, evidence such as photographs or ecologists report should be supplied to, and acknowledged by, the local authority of the appropriately located of the species enhancements as specified in section 4.3 of the ecology report by Aware Ecology dated 29/04/2025. The installed features shall hereafter be maintained as approved.**

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

## **14 Travel Plan**

**Prior to the first occupation/use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.**

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

## **15 Secure covered cycle parking provision**

**Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the**

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

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

## 16 Lighting

Details of any external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before the building is occupied]. 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## Compliance

### 17 Tree protection

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

Arboricultural Impact Assessment (AIA)  
(Haydons Arboricultural Consultants Ltd\_11445/DC/BM\_REA\_16.01.25).

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.

### 18 Foul Water

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), Environment Act 2021 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

### 19 Surface Water

No surface water flows from the development permitted under this permission shall discharge to the local mains sewer or combined sewer network.

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), Environment Act 2021; and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

**20 Solar**

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

**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.

**21 External lighting**

Any external lighting provided as part of the permitted development shall only comprise of LED down-lighters with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio. 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.

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

3. 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.
4. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body Neither does this permission negate or override any private covenants which may affect the land.
5. In connection with Condition 14 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.
6. 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.
7. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
8. In connection with the Travel Plan condition the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, Plough Lane, Hereford HR4 0SE.

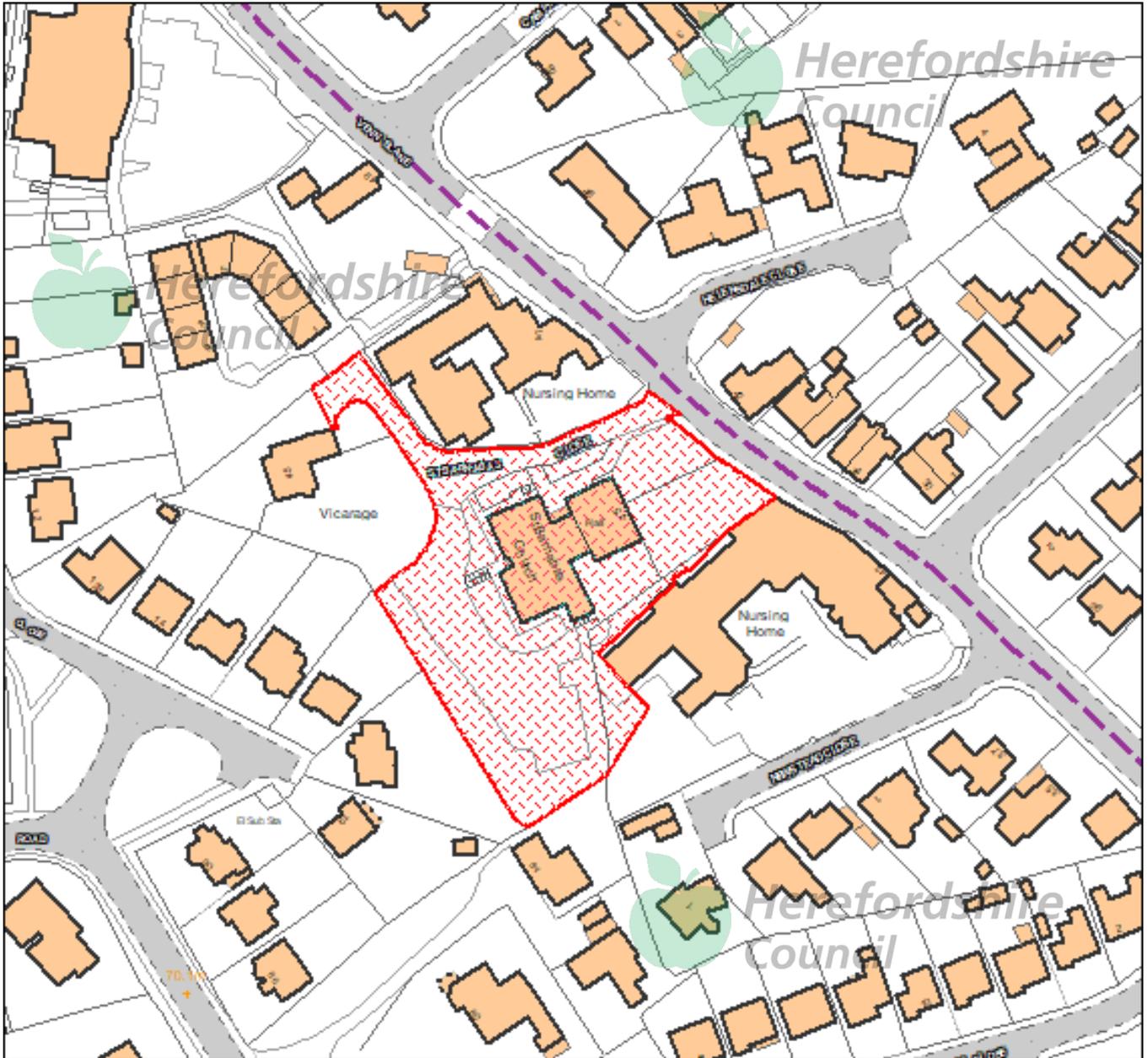
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 251696

**SITE ADDRESS :** ST BARNABAS CHURCH, ST BARNABAS CLOSE, HEREFORD, HEREFORDSHIRE, HR1 1DT

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

PF2



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 FEBRUARY 2026</b>
<b>TITLE OF REPORT:</b>	<b>251998 - PROPOSED CONSTRUCTION OF SEVEN HOUSES AND ASSOCIATED LANDSCAPING AT LAND AT REAR OF MORTIMER COURT, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NQ</b>  <b>For: Mr Yarnold per Mr Mark Yarnold, Hursley Farm, Bannals Lane, Stoke Bliss, Tenbury Wells, WR15 8RZ</b>
<b>WEBSITE LINK:</b>	<a href="#">Planning Application Details - Herefordshire Council</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 9 July 2025

Ward: Leominster  
North & Rural

Grid Ref: 352250,268035

Expiry Date: 10 September 2025

Local Member: Cllr John Stone

**1.0 SITE DESCRIPTION**

1.1 The application site is a vacant parcel of land accessed from Wyson Lane, Wyson – which forms part of the recognised built-up area of Brimfield. It lies approximately 5-miles south of Ludlow, 7½-miles north of Leominster, and around 100-metres south of Herefordshire’s boundary with Shropshire. The site sits immediately adjacent to existing residential development on Wyson Lane, Wyson Avenue and Mortimer Court as well as the recently completed ‘The Coppice’ (210373/F refers) which is situated to the east. The immediate vicinity of the site is characterised by two-storey dwellings of traditional brick construction. The access serving the site and Mortimer Court is private (i.e unadopted) and has recently been subject to maintenance and visibility improvements. The majority of the site is not within a flood zone, although Wyson Lane and therefore the southernmost part of the site (as outlined by the red-line) is within Flood Zone 2. There are no listed buildings in the immediate vicinity.

1.2 The site is located within the catchment of the River Teme which is designated as SSSI, and is hydrologically linked to the River Clun SAC upstream.

**2.0 PROPOSAL**

2.1 The application seeks planning permission for the erection of seven dwellings, comprising a terrace of three units and a terrace of four units. The proposed development would provide three 3-bedroom dwellings and four 2-bedroom dwellings. The layout has been designed to respond to the linear form of the site, with the northern row of dwellings aligned with the existing properties

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

adjoining the site at 'The Coppice', and the southern row positioned perpendicular to these, aligned with Wyson Avenue. The dwellings would be two storeys in height and finished in a multi-brick façade with grey tiled roofs, incorporating photovoltaic panels. Each dwelling would benefit from a porch, two dedicated parking spaces, and private garden areas. The submitted plan indicates that access to the remainder of the field to the north would be retained.

The proposals also include the widening of the access to a width of 4.8 metres for the first 10 metres from its junction with Wyson Lane.

Surface water would be dealt with by way of soakaways within the individual plots.

### 3.0 PLANNING POLICY

#### 3.1 Herefordshire Local Plan – Core Strategy

- SS1 Presumption in favour of sustainable development
- SS2 Delivering new homes
- SS3 Releasing land for residential development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing Outside Hereford and the market towns
- RA3 Herefordshire's countryside
- H1 Affordable housing – thresholds and targets
- H3 Ensuring an appropriate range of mix and housing
- OS1 Requirement for open space, sport and recreation
- OS2 Meeting open space, sport and recreation needs
- 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

#### 3.2 Brimfield and Little Hereford Neighbourhood Development Plan

- BLH1 New housing within the Brimfield settlement boundary
- BLH2 New housing development
- BLH3 Housing to meet local needs
- BLH4 Ensuring an appropriate range of tenures, types and sizes of houses
- BLH8 Building design principles
- BLH9 Landscape design principles
- BLH12 Water management
- BLH13 Criteria for assessing the suitability of future potential development sites
- BLH15 Design for flood resilience and resistance
- BLH16 Design to reduce surface water run off

#### 3.3 National Planning Policy Framework

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities  
 Chapter 9. Promoting sustainable transport  
 Chapter 10. Supporting high quality communications  
 Chapter 12. Achieving well-designed places  
 Chapter 14. Meeting the challenge of climate change, flooding and coastal change  
 Chapter 15. Conserving and enhancing the natural environment  
 Chapter 16. Conserving and enhancing the historic environment

#### 4.0 PLANNING HISTORY

4.1 None relevant

#### 5.0 CONSULTATION SUMMARY

##### Statutory Consultees

5.1 Severn Trent – no response.

5.2 Dwr Cymru Welsh Water – comment;

5.2.1 11/8/25 - This is not a DCWW operational area for sewerage, please consult Severn Trent.

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually. 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.

##### Herefordshire Council consultations

5.3 Area Engineer (Local Highways Authority) – comment;

5.3.1 27/11/25 - While we continue to consider the site suboptimal from a highways perspective, we acknowledge the proposed widening of the access to 4.8 metres for the first 10 metres, which will facilitate two-way vehicle movements and is therefore welcomed. Beyond this initial section, the lane remains narrow, and although we recognise that there is some inter-visibility and opportunities for passing, these constraints continue to raise concern. It should also be noted that, due to the lane's width and overall characteristics, it would not be suitable for adoption by the LHA.

In principle, a reduced number of dwellings would lessen the likelihood of vehicle conflict along the narrower sections of the lane. However, despite these reservations, the LHA does not wish to raise a formal objection to the current proposal. The comments above are provided to highlight the limitations of the access and the associated impact of development at this scale.

5.3.2 13/8/25 - Thank you for consulting the Local Highway Authority on the full planning application for the construction of 7 dwellings at land to the rear of Mortimer Court, Brimfield. The LHA has reviewed the submitted plans and supporting information and provides the following comments:

##### Planning History

The LHA notes that a pre-application enquiry (Ref: 250676) was submitted earlier this year for the development of 2 pairs of semi-detached dwellings (4 units) on this site. Our advice at that stage highlighted concerns regarding the narrow initial section of Wyson Lane and recommended widening the first 10 metres to 4.8 metres to accommodate two-way vehicle movements. We also

noted that a smaller quantum of development would better align with the site's constrained access arrangements.

The proposal was subsequently revised at the top-up stage to 7 dwellings. While visibility improvements were made, concerns remained regarding intensification of use along a narrow private access and the potential for conflict between vehicles, pedestrians, and cyclists.

#### Access and Internal Layout

The LHA welcomes that the current full application includes widening of the access to 4.8 metres for the first 10 metres from Wyson Lane, as previously recommended. This improvement will assist vehicle movements at the junction with the public highway.

However, the site will be served by a private access road of approximately 130 metres in length. Although there is some inter-visibility between each end of the access, the route does not meet the minimum carriageway widths for shared surfaces set out in the Herefordshire Design Guide for New Developments.

Seven dwellings will generate a greater number of trips and increase the likelihood of conflict between opposing vehicles on this constrained section of road. While 4 dwellings would also not fully comply with our Design Guide, a reduced number of units would lessen the probability of vehicle conflicts and improve overall operation. The shared use of the access by vehicles, pedestrians, and cyclists without segregation also introduces further potential for conflict.

#### Waste Collection

It is understood that a private refuse vehicle will be used for waste collection. This arrangement should be secured through the planning process to ensure waste is managed without adverse impacts on the public highway.

#### Conclusion and Recommendation

Whilst the LHA is not objecting at this stage, our preference remains for a reduced quantum of development—ideally 4 dwellings—given the site's access constraints.

We therefore request that the applicant gives consideration to reducing the number of dwellings to improve compliance with the Design Guide and enhance safety for all users.

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:

#### 5.4 HC Natural Environment Service (Ecology) – comment; -

- 5.4.1 12/9/25 - The application site is located within the Teme catchment. The River Teme SSSI is currently in unfavourable condition as assessed by Natural England, including due to excess of nutrients. This unfavourable condition potentially has an effect on salmon species populations that are intrinsically linked to the freshwater pearl mussel that is a notified feature species of the River Clun SAC that forms part of the catchment of the Teme linked by the two rivers confluence at Leintwardine. The LPA needs to ensure developments do not contribute further to this unfavourable condition or would hinder improvements away from unfavourable status. In this specific case nutrient flows/pathways are the considered effect.

The application is for the proposed construction of seven houses and associated landscaping. The water management strategy confirms that foul water would drain from the proposed houses into the existing mains sewer located in the existing access road owned by the applicant. Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways. Confirmation that these additional flows can be accommodated by Severn Trent is required before the application can be screened out.

Regarding surface water, the water management strategy advises that all additional surface water flows can be managed by soakaway SuDS – 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.

## Ecology

No ecology report has been submitted. However, from reviewing the photographs provided in the biodiversity metric, it is unlikely the development (primarily modified grassland) will support protected species. Impacts to nesting birds in patches of scrub habitat can be mitigated through appropriate planning conditions.

## Biodiversity Net Gain

The biodiversity metric has been reviewed. The applicant has confirmed they will seek to secure 10% net gain off-site via a third-party provider. This arrangement will need to be secured for implementation and management through the statutory biodiversity gain condition.

### Recommended Conditions

#### Vegetation Clearance

No vegetation clearance, including the removal of scrub, shall take place until a suitably qualified ecologist has been appointed by the developer. Vegetation clearance shall thereafter be undertaken under the direct supervision of the appointed ecologist. The supervising ecologist shall be present during all clearance works to ensure that protected species are not harmed, and any necessary contingency measures shall be implemented as advised.

Reason: Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

#### Swift Boxes

Prior to first use of any part of the development works approved under this planning decision notice, photographic evidence of the suitably placed installation on the approved buildings, of a minimum total of three integrated swift nesting boxes should be supplied to and acknowledged by the Local Planning Authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority. Swift boxes should be installed under supervision of a qualified ecologist to ensure they are installed at a suitable elevation and direction.

Reason: National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; and the council's declared Climate Change and Ecological Emergency.

#### Wildlife 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status protected species" such as all bats, great crested newts, otters, dormice, and crayfish 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 is sought.

## 5.5 HC Waste & Recycling – object

- 5.5.1 13/11/25 - Having received further updated plans I can confirm that the plans show that our standard refuse collection vehicle would not be able to collect from these properties.

It is proposed that residents of this development will use a private waste collection service. Consequently, Herefordshire Council will not supply waste containers to households that do not receive waste collections from the local authority. Additionally, we anticipate considerable difficulty in sourcing a private waste collection company that can provide a vehicle meeting the specified transit van size requirements.

- 5.5.2 10/9/25 - 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. If the vehicle is unable to enter the development, a bin collection point area should be constructed on the junction between the development and the access road.

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.

Herefordshire Council has plans to introduce both a fortnightly garden waste and a weekly food waste collection service, with the likelihood being two bins per property may need to be presented on the same day. All bin collection points should be sized to offer each property that has use of the collection point 1.16M of space to allow them to place two bins for collection.

- 5.6 Land Drainage Team / Lead Local Flood Authority – comment;

- 5.6.1 2/2/26 - We have reviewed the amended plan which show the revised location of the soakaways for the above site and can confirm that this is acceptable.

- 5.6.2 8/1/26 – Surface water drainage strategy proposals - This is not really something we deem acceptable - Plots 1-4 would have a combined rainwater soakaway located under the private access road.

Whilst it is said there plots will be rented and the soakaway will be under one ownership, this may not be for the lifetime of the development and also the proposed location in the access road means future management and maintenance is difficult. This area is likely to be subject to frequent loadings which is a risk to the soakaway. Each property should be served by its own soakaway. Alternatively, a shared infiltration basin would be more accepted. It may mean losing a property, however SuDS should be considered now when designing a development.

Within the submitted Flood Risk Assessment for the above site, the quoted flood level for a 1 in 100 year plus climate change event of 71.15 mAOD, which was used for a 2014 planning application can no longer be deemed as reliable. However, Land Drainage consider that safe access from the site, to the east along Wyson Lane, is most likely to be viable based on our knowledge of historic flood events and how they affect the community. We make this statement based on flood extents observed during 2007 at this location, which were the highest ever recorded and subsequent community engagement which took place.

### **Other consultees**

- 5.7 Shropshire Council (neighbouring Local Planning Authority) – comment;

- 5.7.1 16/1/25 - I can confirm that Shropshire Council raises no objection to the proposed scheme and requests that you determine the application in accordance with adopted national and local planning policies.

## **6.0 REPRESENTATIONS**

- 6.1 Brimfield and Little Hereford Parish Council – object;

11/8/25 - The Parish Council object to this application for the following reasons:

### 1. Inadequate Access and Road Safety Concerns

Access to the site via Wyson Lane is extremely narrow and not suitable for increased vehicular traffic. The road cannot accommodate two-way traffic safely, and there is already significant on-street parking which obstructs visibility and movement. The absence of footpaths, especially at the site entrance, further endangers pedestrians. The proposed development would exacerbate these issues. This contravenes Policy MT1 (Traffic Management, Highway Safety and Promoting Active Travel), which requires developments to ensure safe access for all users and not to adversely affect the operation or safety of the highway network.

### 2. Insufficient On-site Parking Provision

The site is too small to adequately accommodate the number of vehicles likely to be owned by future occupants and visitors. This would force additional parking onto Wyson Lane, worsening the current situation. This again conflicts with Policy MT1, which requires development proposals to demonstrate that they will not lead to unacceptable levels of on-street parking.

### 3. Deteriorating Road Conditions and Construction Impact

The fabric of Wyson Lane is already in poor condition. Increased traffic — especially construction vehicles — would cause further damage and disruption. The road is not built to withstand heavy usage, and there are concerns about maintenance and safety. This raises issues under Policy SS6 (Environmental Quality and Local Distinctiveness), which requires development to respect and enhance local infrastructure and avoid creating negative environmental impacts.

### 4. High Flood Risk and Poor Drainage

Wyson Lane is known to flood regularly. This site lies within or close to areas affected by surface water flooding. The introduction of impermeable surfaces and further buildings could increase local flood risk. The applicant has not adequately addressed this in the proposal. This is contrary to Policy SD3 (Sustainable Water Management and Water Resources), which requires developments to avoid areas at risk of flooding, incorporate sustainable drainage systems, and demonstrate they will not increase flood risk elsewhere. Local residents continue to be concerned about overloading the existing sewerage system, which struggles to cope especially in times of high rainfall and flooding.

### 5. Overdevelopment and Loss of Amenity

The proposal represents overdevelopment of an already constrained site. Neighbouring properties will suffer loss of light, privacy, and open views. Some will be enclosed on all sides by new development, which would significantly diminish residential amenity. This does not comply with Policy SD1 (Sustainable Design and Energy Efficiency), which requires proposals to safeguard residential amenity for both existing and future occupants and to respect local character and setting.

### 6. Inaccurate Representation of Local Amenities

The application incorrectly claims that Brimfield offers a range of village amenities. In fact, the local shop and pub are currently closed, and there is no regular bus service. The supermarket referenced by the applicant is, in fact, a convenience store in the local petrol station. Due to these inaccuracies, the applicant asserts that residents of the proposed development would not require a car. The lack of accessible services significantly increases car dependency. This is at odds with Policy RA2 (Housing in Settlements Outside Hereford and the Market Towns), which supports development in villages only where it is proportionate and where sustainable transport and services are available.

### 7. Potential Land Contamination

We have been informed by residents that the site was formerly used as a local rubbish tip. No investigation into potential land contamination has been provided. This raises health and safety concerns. This conflicts with Policy SD1 and Policy SS6, which require developers to address risks from contamination and ensure that development does not harm health or environmental quality.

## 8. Ecological Concerns

Residents have reported regular sightings of wildlife on this site. No ecological survey has been provided. This development may negatively affect local biodiversity. This is contrary to Policy LD2 (Biodiversity and Geodiversity), which requires development to conserve, restore, and enhance biodiversity assets and ensure that protected species and habitats are not harmed.

Given the volume and severity of the concerns raised, and the clear policy conflicts, the Parish Council formally requests that this application be determined by the Planning Committee.

6.2 12 representations have been received raising objections to the proposal. It is noted that a number of these are from the same individuals submitting multiple responses. The comments can be summarised as follows; -

- There is no right of way to the site from the A49(T) to the north and therefore access via Alma House/Rose Cottage would be trespass.
- Access concerns include the width being too narrow for HGVs and not wide enough to accommodate a footway.
- The width of the road and passing places is not sufficient to allow vehicles to pass safely.
- Wyson Lane is already congested with parked vehicles on both sides.
- There would be an impact of increased traffic on neighbouring properties both during construction and once occupied.
- There are concerns regarding HGVs using the access.
- A speed limit of 10mph is suggested.
- The site is a natural habitat and would be destroyed.
- The site was previously used as a rubbish tip, so there is concern about contamination impacts.
- Additional surface water would likely exacerbate existing flooding issues, including those associated with the Brimfield Brook.
- The application fails to apply the sequential test with respect to flooding as set out in the Core Strategy and the NPPF.
- The sewerage system would not be able to cope.
- Drainage covers on the private road have already started to sink.
- The provision of utilities without disruption is a concern.
- There is overdevelopment of an already constrained site.
- There are overlooking concerns as it is currently a private area.
- HGVs would be able to overlook neighbouring properties.
- Development could decrease the value of neighbouring properties.
- Recently built houses are not currently being lived in.
- Appropriate landscaping between Mortimer Court garages and the proposed dwellings would be welcomed.
- Obscured landing window.
- There are no public amenities such as a school, GP surgery, buses, shops or public houses.
- The site is part of the green belt.

6.3 5no. representations received in support. The comments can be summarised as follows;

- There has been a recent surge of private landlords selling up, which has adversely impacted the supply of rental properties.
- Rental properties are now oversubscribed, and there are no rental properties available in Brimfield or nearby.
- These are the types of dwellings that should be delivered.
- The applicant has delivered a successful build-to-rent scheme in Craven Arms which has been successful and supported the community.
- A similar successful scheme has been delivered in Bromyard.
- This proposal would help support the local economy.

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

- Brimfield is very well connected.

6.4 4no. representations received neither in objection or support. The comments can be summarised as follows;

- There are concerns regarding HGVs using the access.
- Swifts are in trouble and therefore swift nest bricks should be included.
- A speed limit of 10mph is suggested.
- Drainage covers on the private road have already started to sink.
- Provision of utilities without disruption is a concern.
- Appropriate landscaping between Mortimer Court garages and the proposed dwellings would be welcomed.
- An obscured landing window in the new dwelling would be preferred.

The full comments are accessible via the Herefordshire Council Planning Register.

## 7.0 OFFICER APPRAISAL

### Principle of development

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy and the Brimfield and Little Hereford Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 7.3 The Council is currently unable to demonstrate a five-year supply of deliverable housing land, meaning the most important policies for determining this application are out-of-date for the purposes of paragraph 11(d) of the NPPF. As a result, the presumption in favour of sustainable development (‘the tilted balance’) applies, such that planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
- 7.4 Furthermore, the Brimfield and Little Hereford NDP is now more than five years old, and as such its housing policies do not benefit from the protection set out in paragraph 14 of the NPPF. The settlement boundary therefore continues to form part of the development plan, but carries reduced weight, and cannot be determinative in the context of the acknowledged housing land supply deficit.
- 7.5 The Brimfield and Little Hereford NDP at Policy BLH1 defines a settlement boundary for Brimfield and supports new housing only within it, subject to it meeting set out criteria. Land outside the defined boundary is considered therefore such where new market housing would not be supported and falls to be considered as open countryside.
- 7.6 Several representations assert that the site forms part of the Green Belt. For clarity, no land within Herefordshire or within reasonable distance within neighbouring Local Planning Authority areas, is designated as Green Belt, and therefore Green Belt policy is not applicable.
- 7.7 Although the site (excluding the access route) lies outside of the settlement boundary identified in the Brimfield and Little Hereford NDP and therefore falls within open countryside for the purposes of Core Strategy Policy RA3, it is noted that the land directly adjoins the main built-up part of Brimfield (western extent of the settlement boundary area which comprises the historically distinct settlement of Wyson).

- 7.8 Physically and functionally, however, the site forms a clear continuation of the existing edge of the built area. Its relationship to surrounding development means it does not read as an isolated countryside location, but rather as a parcel of land that is well-contained, visually integrated and contiguous with the established structure of the settlement. This is especially the case with development extending further north than the site to either side of the site at Wyson Avenue to the west and Coppice Drive to the west.
- 7.9 With the above in mind, Policy BLH1 supports new housing in Brimfield where it is well related to the existing village in terms of accessibility, and Core Strategy Policy RA2 anticipates that proportionate growth in rural settlements would normally be located within or adjacent to named /identified villages, and paragraph 83 of the NPPF supports expansion of rural communities where it would enhance or maintain settlement vitality. In this case, the site's position directly next to the built form ensures that new development would consolidate the existing pattern of housing and would represent a logical, proportionate and environmentally coherent extension to Brimfield.
- 7.10 In this case, Brimfield (together with Wyson and Woofferton) accommodates a range of day-to-day services, public house, parish halls, places of worship, and limited local retail/take-away provision, together with bus connections to Ludlow, Tenbury Wells and Leominster. These are accessible on foot or by cycle from the site. In this regard, whilst it is accepted that it lacks some other services that would be expected of a settlement of this size (i.e GP, schools and more frequent bus service) the site does occupy a sustainable location when judged against the NPPF's objective of supporting housing in rural settlements where it would enhance or maintain their vitality, reduce the need to travel, and make effective use of and bolster local service provision. The accessibility profile is therefore consistent with the expectations of RA2 and the rural sustainability objectives of the NPPF.
- 7.11 Similarly, the level of growth proposed is considered commensurate with the scale of Brimfield. Although the scheme would come forward as windfall development rather than an allocated site, it remains of a modest scale that would not undermine or place undue pressure on local facilities. Accordingly, it would not be of such magnitude as to compromise community cohesion or well-being, and is consistent with the expectation in both the Core Strategy and NPPF that rural settlements accommodate proportionate growth.
- 7.12 Accordingly, while the proposal does give rise to a degree of tension with the NDP by virtue of being located outside the defined settlement boundary, the site's physical relationship with the village, its sustainable location and its modest, proportionate scale mean that there is no in-principle policy objection to residential development in this location. Any conflict with Policy BLH1 is therefore limited, and materially reduced by the diminished weight attached to the settlement boundary in the absence of a five-year housing land supply.

### **Siting, design and landscape and visual impact**

- 7.13 The application site forms part of a long, rectilinear parcel of land laid to grass and which sits to the rear of the existing development at Mortimer Court. It is bound to the west by the rear of residential development on Wyson Avenue, as well as land associated with 'Homefield' to the east and new dwellings at 'The Coppice' to the northwest. The site is level and offers views to the north towards the A49(T).
- 7.14 Policy SD1 of the Core Strategy states that development proposals should create safe, sustainable and well integrated environments that among other things, make efficient use of land taking into account the local context / site characteristics and maintain local distinctiveness through incorporating local architectural detailing, and materials respecting scale, height proportions and massing of surrounding development.

- 7.15 Policy BLH8 of the Brimfield and Little Hereford NDP also expects development to reinforce local distinctiveness through scale, form, massing, materials and layout that reflect the grain of the surrounding area. It requires high-quality, well-integrated design, avoidance of harm to wider landscape views, use of traditional local materials, and sensitive treatment of farmsteads and extensions
- 7.16 With respect to the landscape more specifically, Policy LD1 of the Core Strategy requires development to conserve and enhance the landscape and townscape of Herefordshire, ensuring proposals positively respond to local character, settlement pattern and important views. Schemes must demonstrate that design, layout and landscaping are informed by local distinctiveness, protect or reinforce existing landscape features, and appropriately integrate green infrastructure
- 7.17 Policy BLH9 of the Brimfield and Little Hereford NDP protects key local views (although none relevant to the application site) and requires development to preserve or enhance village and rural character, safeguard habitats, and protect mature trees and hedgerows. Proposals must incorporate native species planting, consider archaeological interests, and integrate sustainable drainage systems into the landscape.
- 7.18 The NPPF reinforces these local design and landscape expectations. It confirms that the creation of high-quality and sustainable places is a fundamental objective and requires development to be sympathetic to local character and history, including the surrounding built form and landscape setting.
- 7.19 In landscape terms, the NPPF at paragraph 187 requires decisions to recognise the intrinsic character and beauty of the countryside and green infrastructure networks.
- 7.20 In terms of layout, the proposal responds appropriately to the shape and constraints of the site. Two rectilinear blocks of terraced dwellings are proposed: the southern block of four units aligned north-south to reflect the orientation of Wyson Avenue, and the northern block aligned with the existing dwellings at 'The Coppice'. This arrangement is considered to make effective use of the land whilst allowing suitable space for parking, turning and amenity areas, notwithstanding that private garden space is somewhat limited. Overall, the density is comparable to the surroundings, and in view of the backland location and containment by existing development, the scheme would not read as an intrusive extension into open countryside.
- 7.21 The design of the dwellings reflects typical local forms, with a simple two-storey scale and coherent fenestration and porch details which would provide for visual continuity. Plot 1 is dual-aspect, and the addition of a door and window on the southern gable offers a modest sense of arrival, though this is of limited wider importance given the backland context. The use of locally appropriate materials would help to contribute to local distinctiveness, and the inclusion of PV panels is a positive sustainability measure.
- 7.22 Landscaping details (both private and shared) can similarly be secured by Condition 7. There is scope for additional soft planting to the south of the site and adjacent to the Mortimer Court parking area, which would help filter views, soften the visual transition between the two areas of built form and maintain the generally rural character of the wider setting.
- 7.23 For these reasons, the proposal is not considered likely to result in any significant visual harm. Impacts would be most noteworthy from the nearest residential properties, but given the site's position between two areas of existing development, these effects are judged to be limited. There would be some filtered views from the A49(T) and open countryside to the north, although these would be read against existing built form which already extends further north than the proposal. Shropshire Council has been consulted due to the cross-boundary viewpoints but has raised no specific concerns and there are no sensitive receptors or landscape designations.

- 7.24 Accordingly, the proposal is not considered to result in any unacceptable visual or landscape harm, and overall it is judged to comply with the requirements of Core Strategy Policies SD1 and LD1, Policies BLH8 and BLH9 of the Brimfield and Little Hereford NDP, and the relevant principles of the NPPF.

### **Housing mix**

- 7.25 The applicant has indicated that the dwellings are intended for market rent; however, for planning purposes they must be treated as unrestricted market housing, with no planning mechanism to control tenure.
- 7.26 The scheme proposes 5 no. 2-bedroom dwellings and two 3no.-bedroom dwellings. The 2021 Herefordshire Housing Market Area Needs Assessment (HMANA) sets out the indicative market-housing mix for the Leominster Rural Housing Market Area (HMA), showing a guideline of 25% 2-bed units, 50% 3-bed units, and 20% 4-bed+ units.
- 7.27 The proposed mix clearly provides a higher proportion of 2-bed homes and a lower proportion of 3- and 4-bed homes than the HMANA guideline. However, the HMANA also emphasises that mix recommendations are not prescriptive but serve as guidance, rural Herefordshire has a strong existing stock of larger (3-4+ bed) properties, and increasing the supply of smaller market homes can help improve affordability and rebalance local stock.
- 7.28 In this context and noting the modest scale of the scheme, the provision of predominantly 2-bed and 3-bed dwellings is considered to make a useful contribution to diversifying the local housing stock, particularly noting the Council's overall persisting deficit, and in a rural area where smaller, more affordable market homes are under-represented.
- 7.29 Overall, the proposed mix is judged to be acceptable, and consistent with the aims of Core Strategy Policy H3 and Brimfield and Little Hereford NDP Policy BLH4, which seeks to ensure that new housing development delivers an appropriate range of sizes to support mixed and balanced communities.

### **Access and highway safety**

- 7.30 Core Strategy Policy MT1 requires all development proposals to demonstrate that safe and suitable access can be achieved for all users, that the residual cumulative impact on the highway network is not severe, and that developments incorporate appropriate measures to promote walking, cycling and public transport use. This includes ensuring adequate visibility, turning and manoeuvring space, and that proposals do not compromise the safe operation of the surrounding highway network.
- 7.31 The NPPF also requires that development proposals provide safe and suitable access for all users, give priority to pedestrians and cyclists and ensure that significant impacts on the transport network can be mitigated to an acceptable degree.
- 7.32 Importantly, paragraph 116 makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or if the residual cumulative impacts would be severe.
- 7.33 In this case, it is recognised that the application has generated concerns from local residents in response to the consultation. These are summarised at Paragraph 6.2 and include issues such as the narrow width of the access, insufficient passing places, existing congestion on Wyson Lane, the suitability of the route for HGVs, the lack of space for a footway, and the potential safety impacts of increased traffic both during construction and once the development is occupied.

- 7.34 The proposed development would be served from extending the existing private access taken from Wyson Lane, which serves Mortimer House and No.1-4 Mortimer Court. To clarify at this stage, some representations refer to a perceived access route from the A49(T) via neighbouring land to the northeast; however, no such access is proposed or relied upon by the application. The development would be served solely from Wyson Lane via the existing private access, and therefore the matter of third-party access rights is not considered relevant.
- 7.35 As part of the scheme and as set out within the submitted Technical Note, it is proposed to widen the first 10-metres of the private road, from its junction with Wyson Lane, to 4.8-metres in width. This would enable two-way car movements at the junction with Wyson Lane. Swept path analysis has been submitted, and visibility improvements can be secured via Condition 8, while the access widening is secured by Condition 4.
- 7.36 The additional traffic generated by seven dwellings is forecast to amount to one trip every 8 to 10 minutes during peak hours, representing a 'low-flow' environment. Manual for Streets (MfS) guidance acknowledges that shared-surface roads can operate safely at traffic volumes in excess of those associated with the proposal, and that intermittent narrowing and widening on such roads (such as is the case in Wyson Lane) can assist naturally in speed moderation. The same applies for parked cars, naturally serving to slow down traffic.
- 7.37 Furthermore, the access arrangements have been the subject of detailed technical assessment, including an independent Stage 1 Road Safety Audit (RSA). The RSA identified three issues, which have been capable of resolution. The Designer's Response details these, and provides appropriate mitigation, including vegetation management, confirmation of visibility splays, and verified inter-visibility distances exceeding the requirements for the recorded vehicle speeds in this location (as per the survey undertaken). These measures were confirmed by the independent auditors as being acceptable and properly addressing all safety matters. These measures were confirmed by the independent auditors as acceptable and are secured through Condition 4 (access widening), Condition 8 (visibility splays), and Condition 6 (access surfacing and drainage scheme).
- 7.38 The Local Highway Authority has reviewed the submission, including the RSA and the audit teams subsequent acceptance of the designers response. While they authority acknowledges that the access may not seem ideal and express reservations regarding the narrower sections of the private road, it also confirms that the design, with the access widened to 4.8-metres for the first 10-metres would facilitate two-way movement where it is most important (i.e close to the junction with the local highway – Wyson Lane). They ultimately raises no objection to the development and the LHA's formal position is that the proposal should not be refused on highway
- 7.39 It is acknowledged that no dedicated footway is proposed along the private access road due to its limited width. However, this arrangement reflects the existing character of Wyson Lane and much of Brimfield more generally, where shared-surface environments without formal pedestrian segregation are typical. Given the forecast low vehicle flows associated with seven dwellings, the naturally low traffic speeds, and the short length of the access, it is considered that safe pedestrian movement can reasonably be achieved. In this context, and taking account of the accessibility of services and amenities within the village, the absence of a footway would not give rise to an unacceptable impact on pedestrian safety, and a shared-space arrangement is acceptable on balance
- 7.40 To address the concerns raised by local residents regarding construction traffic on the narrow access road and the proximity of Mortimer Court, a pre-commencement condition can be applied to secure a detailed Construction Management Plan - Condition 3, ensuring appropriate measures are put in place to manage vehicle movements, safeguard highway safety, and minimise disruption during the construction phase.

- 7.41 A number of representations have suggested the imposition of a 10mph speed limit along the private access road. However, the designation or enforcement of speed limits on private land lies outside the scope of the planning system and cannot be required or controlled through planning conditions. The assessment of the proposal therefore relies on an assessment of the proposal as submitted, which the Local Highways Authority considers acceptable and supported by the independent RSA.
- 7.42 As such, with the above in mind and noting the evidence submitted, there is significant comfort that the proposal would provide safe and suitable access for all users. There is no substantive evidence to demonstrate that the scheme would result in an unacceptable impact on highway safety or that residual cumulative effects would be severe in the terms, as per the test that is set out at NPPF paragraph 116. The proposal is therefore considered to accord with Policy BLH1 of the Brimfield and Little Hereford NDP (insofar as providing suitable provision for access and not impacting adversely on existing highway networks) and Policy MT1 of the Core Strategy.

#### **Impact on residential amenity**

- 7.43 Given the positioning of the two blocks of development, any direct overlooking would be avoided. For instance, the separation distances between the rear of dwellings on Wyson Lane and the principal elevation of Plots 1 to 4 would be more than what is nationally recognised as acceptable (noting that Herefordshire Council has no adopted standards), and conversely between the rear of the proposed dwellings and the rear of the recently constructed dwellings at 'The Coppice'.
- 7.44 It is accepted that the residential relationship between the site and existing neighbouring residential development would naturally change, it would change to one which is considered expected and normal in a rural settlement. Although in response to the consultation there is a request for the windows serving the landings on the gable-ends of Plots 1 and 4 to be obscurely glazed, this is not considered necessary or reasonable given the distances involved and the fact that it would not serve a habitable room as to give rise to any notable harmful relationship.
- 7.45 Concerns have been raised also with respect to impacts during construction including potential disruption from utility connections. Many of these concerns can be managed through a Construction Management Plan (Condition 3) which would need to be submitted prior to any development commencing; this would detail procedures for the construction phase as well as hours of construction. Whilst there may be some disturbances (i.e from increased HGVs), the adverse impact of this should be time-limited.
- 7.46 The dwellings would be afforded with generally acceptable levels of private amenity space given their size. Whilst Herefordshire Council have not adopted the Nationally Described Space Standards (NDSS), the internal layout is such which should afford future occupiers with acceptable standards of amenity.
- 7.47 The proposal is therefore considered to accord with the expectations of Policy SD1 of the Core Strategy, Policy BLH1 and BLH8 of the Brimfield and Little Hereford NDP, and the relevant principles as set out in the NPPF.

#### **Ecology and impact on the River Teme SSSI and River Clun SAC**

- 7.48 The application site lies adjacent to the River Teme SSSI, which forms part of the wider River Teme catchment. The River Teme is hydrologically connected to the River Clun SAC, designated for its population of Freshwater Pearl Mussel (*Margaritifera margaritifera*). Given this, and in line with the precautionary principle under the Conservation of Habitats and Species Regulations 2017, the proposal has been subject to Habitat Regulations Assessment (HRA).

- 7.49 The project in this case comprises 7 new dwellings. The Council's Ecologist has confirmed that, for the purposes of the HRA, the proposal would generate new or additional foul-water and surface water / nutrient pathways to the River Teme SSSI (and by extension, the River Clun SAC).
- 7.50 The water-management strategy confirms that foul water from the dwellings would be discharged to the mains sewer serving Wyson Lane. Mains sewer connection is regarded as the best available technique for avoiding additional nutrient pathways in this catchment. Whilst Severn Trent Water did not comment directly as a statutory consultee, the applicant has provided recent written confirmation from Severn Trent (26 September 2025) stating that the additional foul flows associated with seven dwellings can be accommodated by the existing foul sewer network with no adverse impact on capacity and that connection is acceptable subject to normal sewer-connection approval (separate consenting process).
- 7.51 It is considered that this satisfies the requirement set out by the Ecologist that confirmation of sewer capacity be obtained before the application can be screened out.
- 7.52 With regard to surface water, the drainage strategy proposes infiltration SuDS via plot-level soakaways secured via Condition 14, with no surface-water discharge to the mains sewer or watercourse. The LLFA has also confirmed in that management of surface water is achievable on-site in this regard. As such, no nutrient / pollutant pathway arises from surface water.
- 7.53 On this basis, it can be concluded that the development would not introduce any new foul-water or surface-water pathways to the River Teme SSSI or the River Clun SAC. As such, the proposal can be screened out at the HRA stage and is considered to give rise to no likely significant effects on either designated site in accordance with the Habitats Regulations.
- 7.54 No ecology report has been submitted; however, based on assessment of the photographs accompanying the biodiversity metric and from officer visits to the site, it is reasonable to conclude that the site comprises primarily modified grassland with limited ecological value and low likelihood of supporting protected species. It is considered that small areas of scrub offer some potential for nesting birds, and appropriate timing restrictions and/or supervised clearance can therefore be secured by Condition 5. Swift nesting enhancements are secured via Condition 12. The proposal therefore accords with Core Strategy Policies LD2 and SS6.

#### Biodiversity Net Gain

- 7.55 The submitted biodiversity metric has been reviewed by the Ecologist, who confirms that the applicant proposes to deliver 10% BNG off-site through the provision of third-party units. This is acceptable, subject to implementation and long-term management being secured through the statutory biodiversity gain condition and subsequent approval of a Biodiversity Gain Plan.

#### **Flood risk and drainage**

- 7.56 The application site lies to the north of the Brimfield Brook (south of Wyson Lane), a tributary of the River Teme. The Environment Agency Flood Map for Planning identifies that only the southern extremity of the red-line boundary, limited to the access and its junction with Wyson Lane, falls within Flood Zone 2; the remainder of the site lies within Flood Zone 1.
- 7.57 No part of the site is indicated as being at risk of surface water flooding, or indeed any part of Wyson Lane within immediate proximity to the site access.
- 7.58 As well as Policy BLH12 of the Brimfield and Little Hereford NDP which deals principally with development in areas with known surface-water flooding issues, Policy BLH14 states that new residential development is only acceptable in Flood Zone 1 until adequate surface-water and

waste-water measures are in place; for Flood Zone 2 it sets out additional expectations, and notes that in Flood Zone 3 residential development will be resisted.

- 7.59 As required by Core Strategy Policy SD3, the application is accompanied by a Flood Risk Assessment (FRA). The FRA concludes that the proposed dwellings are located wholly within Flood Zone 1 and would therefore be at very low fluvial flood risk across their lifetime. The element of the site within Zone 2 is confined to the existing access route, and the FRA sets out the proposed safe-access arrangements during extreme events.
- 7.60 In reviewing the applicants submission and the FRA, the Lead Local Flood Authority (LLFA) notes that the 1 in 100 year + climate change flood level (71.15m AOD) used for a previous 2014 application can no longer be considered reliable. Nevertheless, based on historic flood information from the 2007 event (the highest recorded) and subsequent engagement with the community, the LLFA considers that safe access from the site to the east along Wyson Lane is likely to be achievable.
- 7.61 Notwithstanding this reassurance, it is prudent to note that the Sequential Test (and, if required, the Exception Test) has not been undertaken. The NPPF requires that development in areas at risk of flooding is directed to areas of lowest risk through the application of the Sequential Test as prescribed at paragraphs 171-174. The absence of this assessment weighs against the proposal. However, in this instance, the weight attributed to this conflict is considered to be limited, because the proposed dwellings themselves is wholly within Flood Zone 1, the LLFA is satisfied that safe access is likely to be achieved during extreme events, and the FRA demonstrates that the proposal would not increase flood risk elsewhere for the development's lifetime in accordance with the NPPF risk-based approach.
- 7.62 In relation to surface water, the drainage strategy proposes the use of plot soakaways, reflecting the underlying ground conditions and as agreed with the LLFA, complying with Policies SD3 and BLH12.
- 7.63 Regarding foul drainage, no consultation response has been received from Severn Trent Water. However, the applicant has provided recent evidence of communication with Severn Trent indicating that the local network has sufficient capacity to accommodate the foul flows from seven dwellings. This satisfies the requirements of Core Strategy Policy SD4, subject to a standard pre-commencement condition securing detailed connection arrangements.
- 7.64 On this basis, subject to appropriate conditions securing surface-water and foul-water drainage schemes, the development is considered capable of complying with Policies SD3 and SD4 of the Core Strategy and Policy BLH1, BLH12, and BLH14 of the Brimfield and Little Hereford NDP, and, despite the absence of a formal Sequential Test would not pose an unacceptable flood risk or materially increase risk elsewhere.

### **Other matters**

#### Waste management

- 7.65 As the proposed access would not be adoptable and given the distance between the dwellings and the public highway, Herefordshire Council's Waste Management Team has confirmed that the Council-operated refuse and recycling collections would not be provided to the development.
- 7.66 Whilst the absence of Council collection is not in itself determinative, the Local Planning Authority must still be satisfied that an adequate, safe and sustainable waste management solution could be secured, in the interests of residential amenity and pedestrian/highway safety.
- 7.67 The applicant has supplied an indicative quotation from a private waste collection operator and proposes that the detailed arrangements be secured by a pre-occupation planning condition.

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

Whilst no contract can reasonably be entered into until such a time where planning permission is granted, the absence of a confirmed arrangement does give some uncertainty as to the long-term feasibility of relying solely on private collection.

- 7.68 There are no specific development plan policies addressing refuse collection; however, Core Strategy Policy SD1 requires developments to incorporate sustainability measures, including appropriate recycling provision. In this context, it is considered that Condition 13 would provide an appropriate safeguard. The condition would require the submission of:
- the appointed private waste provider's details,
  - written confirmation of a contract for waste and recycling collection,
  - details of the management arrangements for maintaining the contract,
  - a Bin Collection Plan showing bin storage points, collection points, drag routes, gradients and accessibility,
  - contingency measures should the appointed collector withdraw or the service lapse, and
  - an information pack to be given to future residents setting out the permanent waste and recycling arrangements.
- 7.69 Requiring these details to be submitted to the Local Planning Authority and approved prior to first occupation would ensure that a workable, safe and enforceable mechanism for domestic waste collection would be in place before the dwellings are brought into use.

#### Contamination

- 7.70 Although there are no formal records indicating contamination constraints on, or in close proximity to, the site, public consultation indicates that the land was previously used as a rubbish tip. Whilst such comments do not constitute verified evidence of contamination, they are a material consideration, and any potential risks arising from historic land uses need to be properly assessed and, where necessary, mitigated.
- 7.71 In such circumstances, national guidance and best practice require a precautionary approach, ensuring that the site is suitable for its proposed residential use and does not pose an unacceptable risk to human health. Policy SD1 of the Core Strategy also requires development to safeguard the amenity and health of occupiers, and paragraph 196 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use, taking into account potential risks from land instability and contamination.
- 7.72 As such, given the uncertainty arising from the reported historic use, it is considered reasonable and necessary to impose a standard phased contamination condition.

#### Land/ property values

- 7.73 Concerns regarding potential impacts on neighbouring property values have been raised; however, such matters are not material planning considerations and cannot influence the determination of this application.

## **8.0 CONCLUSION**

- 8.1 In accordance with paragraph 11(d) of the NPPF, the Council's lack of a five-year supply of deliverable housing land engages the presumption in favour of sustainable development. The "tilted balance" therefore applies, whereby planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 8.2 The proposal raises some tension with the Brimfield and Little Hereford Neighbourhood NDP in that the site lies outside the defined settlement boundary for Brimfield and is therefore, in strict

policy terms, located in the open countryside. Whilst the scheme nevertheless performs positively against the general criteria of Policy BLH1, being well related to the existing built form, accessible and proportionate, the conflict with the settlement boundary must nevertheless be acknowledged. However, as the NDP is more than five years old and the authority cannot demonstrate a five-year housing land supply, the weight afforded to this conflict is limited.

- 8.3 The development also lies partly within Flood Zone 2 (the access only). No Sequential Test or, if required, Exception Test, has been undertaken. This is a further policy conflict and is a factor weighing against the scheme. However, the extent of the Flood Zone 2 land is small and confined solely to the existing access; with all other built development within Flood Zone 1; the LLFA is satisfied that safe access can likely be achieved during extreme events; and there is no evidence of increased off-site flood risk. For these reasons, the harm arising from the absence of the Sequential Test is attributed limited weight.
- 8.4 No other technical or environmental harms have been identified. Matters relating to ecology, surface water management, foul drainage, highway safety, biodiversity net gain, amenity and contamination can be satisfactorily addressed by planning conditions.
- 8.5 The development would deliver seven new dwellings, at a time when the authority has a significant and persistent housing land supply deficit. This carries substantial positive weight in the planning balance, consistent with the objective of significantly boosting the supply of housing across the Herefordshire Council plan area.
- 8.6 The proposal would deliver a range of smaller house types (2- and 3-bed units) in a rural Housing Market Area where such stock is currently under-represented relative to local needs evidence. This would diversify the local housing offer and contribute positively, albeit modestly to addressing identified pressures. This attracts moderate positive weight.
- 8.7 Construction activity and the subsequent occupation of the dwellings would generate economic benefits, including local employment and increased expenditure within the parish and wider area, although this is not always guaranteed. These economic benefits attract moderate positive weight.
- 8.8 The development would be located in a broadly sustainable location and therefore would also support the vitality of local services and facilities, including public houses, small-scale retail and community venues. This attracts moderate positive weight.
- 8.9 Environmental benefits include on-site planting, SuDS-based surface water management, energy-efficiency measures (including solar PV), and the delivery of 10% Biodiversity Net Gain secured through off-site units. These attract limited-to-moderate positive weight.
- 8.10 Taking all matters into account, the adverse impacts carry only limited weight. Conversely, the scheme delivers several socially, economically and environmentally positive benefits, including new housing in a sustainable location, diversification of the rural housing stock, economic benefits and enhanced biodiversity.
- 8.11 Accordingly, when considered in context of the tilted balance as set out at paragraph 11(d) of the NPPF, the adverse impacts of the development do not significantly and demonstrably outweigh its benefits. The proposal therefore represents sustainable development, and planning permission should be granted, subject to the conditions set out below.

**RECOMMENDATION** : That officers named in the Scheme of Delegation are authorised to grant full planning permission subject to the conditions set out below and any other further conditions considered necessary:

### **STANDARD CONDITIONS**

#### **Time limit**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **Approved plans + materials**

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans listed below, and the materials as indicated on the Design and Access Statement (034 8001 P-00 / July 2025).
  - 0345-501 P-00 Proposed Site Plan
  - 0345-505 P-00 Proposed Ground Floor Plan 1 to 4
  - 034-507 P-00 Proposed First Floor Plan – Houses 1 to 4
  - 034-506 P-00 Proposed Ground Floor Plan – Houses 5 to 7
  - 034-512 P-00 Proposed Elevations
  - 034-509 P-00 Proposed Illustrative Site Plan
  - 034-510 P-00 Proposed Illustrative Site Plan

**Reason:** To ensure adherence to the approved plans in the interests of proper planning and for the avoidance of doubt, in accordance with Policies SD1 the Herefordshire Local Plan – Core Strategy, Policies BLH1, BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

### **CONSTRUCTION PERIOD**

#### **Construction Management Plan**

3. No development, other than site set-up works required for the creation of a site compound, site fencing, welfare facilities and enabling works necessary to facilitate the access-widening works approved under Condition 4, shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include, but not necessarily be limited to:
  - construction traffic routing, HGV management and contractor parking;
  - measures to prevent obstruction of Wyson Lane and the private access road;
  - arrangements for loading/unloading and the storage of plant and materials;
  - dust, noise and vibration control measures;
  - hours of working and deliveries;
  - pollution-prevention measures to avoid run-off, debris or materials entering the highway;
  - details of utility installation works and measures to minimise associated disruption;

**The development shall be carried out strictly in accordance with the approved CMP.**

**Reason: To safeguard highway safety, residential amenity and the local environment during construction, in accordance with Policies MT1, SD1, LD1, LD2, LD3 and SS6 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.**

**Access widening**

- 4. No development, other than site-set-up works and enabling works necessary to facilitate the access-widening, shall take place until the access road has been widened to 4.8 metres for the first 10 metres measured back from the edge of Wyson Lane, in accordance with Drawing T25543.001 Rev A (or any variation approved in writing by the Local Planning Authority).**

**Once completed, the widened section shall be retained for the lifetime of the development.**

**Reason: To ensure safe two-way vehicle movements at the junction throughout the construction and operational phases, in the interests of highway safety, in accordance with Core Strategy Policy MT1, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.**

**Vegetation clearance / ecology**

- 5. No vegetation clearance, including removal of scrub, shall take place until the Local Planning Authority has been provided with written confirmation of the appointment of a suitably qualified ecologist. All vegetation clearance shall thereafter be carried out under the direct on-site supervision of the appointed ecologist, who shall remain present during clearance operations to ensure that no protected species are harmed. Any contingency measures recommended by the supervising ecologist during the works shall be implemented in full.**

**Reason: To safeguard protected species and avoid harm to biodiversity in accordance with Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.**

**Access surfacing / drainage**

- 6. Prior to the commencement of any works to the access, a detailed scheme for the surfacing, levels and drainage of the private access road (from Wyson Lane to the development site) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but may not be limited to the following;**
  - measures to prevent surface-water run-off onto Wyson Lane;**
  - permanent arrangements for maintenance.**

**The access shall be constructed in accordance with the approved details prior to the occupation of any dwelling and shall thereafter be retained.**

**Reason: To ensure that surface-water is managed appropriately and does not adversely affect highway safety or increase flood risk, in accordance with Herefordshire Local Plan - Core Strategy Policies SD3, MT1 and SD1, Policies BLH1, BLH12 and BLH14 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.**

## Landscaping

7. With the exception of any site clearance and groundworks, no development shall take place until a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- species, planting densities and numbers;
  - details of boundary treatments;
  - surfacing materials;
  - tree and hedge protection measures during construction.

The approved scheme shall be completed in the first planting season following the first occupation of the dwellings or completion of the development, whichever is sooner.

Reason: To safeguard landscape character, visual amenity and biodiversity, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan - Core Strategy, Policies BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

## PRIOR TO FIRST USE/OCCUPATION

### Visibility splays

8. Prior to the first occupation of any dwelling, the visibility splays shown on Drawing T25543.001 Rev A shall be constructed in full, providing a 2.4 metre x 34.6 metre visibility splay to the west and a 2.4 metre x 33.2 metre visibility splay to the east, as measured from the centreline of the site access onto Wyson Lane.

No structure, vegetation or other obstruction exceeding 0.6 metres in height above the level of the adjoining carriageway shall thereafter be placed or allowed to grow within these visibility splays. All vegetation identified for removal or trimming to achieve the required sightlines on Drawing T25543.001 Rev A shall be cut back prior to first occupation and shall thereafter be maintained to ensure the splays remain unobstructed for the lifetime of the development.

Reason: To ensure adequate emerging visibility from the access in the interests of public highway safety, in accordance with Policy MT1 of the Herefordshire Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.

### Water efficiency

9. Prior to the first occupation of any dwelling, 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 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

### Parking and turning

10. Prior to the first occupation of any dwelling, the parking and turning areas serving that dwelling, as shown on the approved plans, shall be laid out, consolidated and surfaced in accordance with the details as approved under Condition 8. These areas shall thereafter

be kept available for the parking and manoeuvring of vehicles and shall not be used for any other purpose for the lifetime of the development.

**Reason:** To ensure adequate on-site parking and turning facilities are provided and retained in the interests of highway safety and the efficient operation of the local highway network, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **Cycle storage**

- 11. Prior to the first occupation of any dwelling, details of secure and covered cycle storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be installed prior to the first occupation of the dwelling it serves and shall thereafter be retained and kept available for its designated purpose for the lifetime of the development.**

**Reason:** To promote sustainable transport, reduce reliance on private vehicles, and ensure appropriate provision for cyclists, in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy BLH1 of the Brimfield & Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **Swifts**

- 12. Prior to the first occupation of any dwelling, photographic evidence demonstrating the installation of a minimum of three integrated swift nesting boxes, positioned in accordance with the approved plans, shall be submitted to and acknowledged in writing by the Local Planning Authority. The swift boxes shall be installed under the supervision of a suitably qualified ecologist to ensure appropriate height, aspect and placement, and shall be retained and maintained as installed for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.**

**Reason:** To enhance biodiversity and provide ecological net gains in accordance with Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **Waste strategy**

- 13. Prior to the first occupation of any dwelling, a detailed Waste and Recycling Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
  - (a) the appointed private waste provider's details;**
  - (b) written confirmation of a contract for waste and recycling collection;**
  - (c) management arrangements for maintaining the contract;**
  - (d) a Bin Collection Plan showing bin storage points, collection points, drag routes, gradients and accessibility;**
  - (e) contingency arrangements should the provider withdraw; and**
  - (f) an information pack for future residents outlining permanent waste and recycling arrangements.****

**The approved scheme shall thereafter be implemented and retained for the lifetime of the development.**

**Reason: To ensure appropriate, safe and sustainable waste management to protect residential amenity and highway safety, in accordance with Policy SD1, MT1 and SS6 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

#### **COMPLIANCE/OPERATIONAL**

##### **Surface water drainage**

- 14. The development shall be carried out strictly in accordance with the approved surface-water drainage strategy, including the provision of plot-level soakaways as indicated on Updated soakaways location plan dated 14 January 2026.**

**No dwelling shall be occupied until the approved drainage systems serving it have been installed and are fully operational. The systems shall be retained and maintained thereafter.**

**Reason: To ensure satisfactory drainage, reduce flood risk and prevent pollution, in accordance with Policies SD3 of the Herefordshire Local Plan - Core Strategy, Policies BLH12 and BLH14 of the Neighbourhood Development Plan, and the National Planning Policy Framework.**

##### **Foul drainage**

- 15. Foul water from the development shall be discharged to the public foul sewer network. No dwelling shall be occupied until connection to the mains sewer has been completed and is fully operational. The foul-drainage arrangements shall thereafter be retained and maintained for the lifetime of the development.**

**Reason: To ensure satisfactory foul-water disposal and to prevent additional nutrient pathways to the River Teme SSSI and the hydrologically linked River Clun SAC, in accordance with Herefordshire Local Plan - Core Strategy Policy SD4, the Brimfield and Little Hereford Neighbourhood Development Plan, and the National Planning Policy Framework.**

##### **PV panels**

- 16. The photovoltaic (PV) panels shown on approved drawing 034-512 Rev P-00 shall be removed from the dwellings in full once they become permanently inoperative, obsolete or no longer functional, and all roof surfaces shall thereafter be reinstated using materials to match the host dwelling, unless otherwise first approved in writing by the Local Planning Authority.**

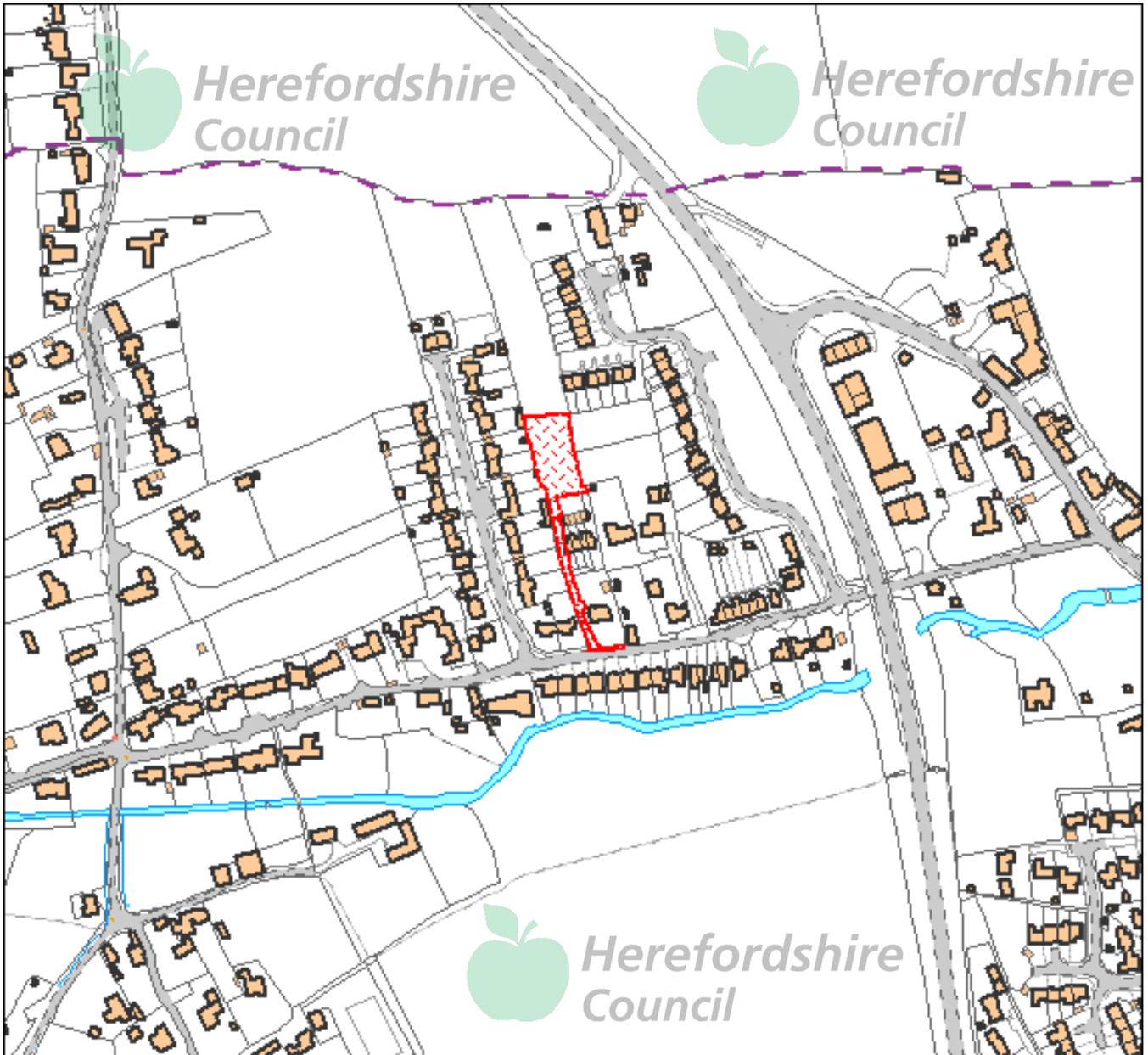
**Reason: To ensure that the appearance of the dwellings remains satisfactory in the long term and to safeguard local character, in accordance with Herefordshire Local Plan - Core Strategy Policies SD1, SD2 and LD1, Policies BLH8 and BLH9 of the Brimfield and Little Hereford Neighbourhood Development Plan, and Section 12 of the National Planning Policy Framework.**

Decision:

Notes:

**Background Papers**

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 251998

**SITE ADDRESS :** LAND AT REAR OF MORTIMER COURT, BRIMFIELD, HEREFORDSHIRE, SY8 4NQ

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 FEBRUARY 2025</b>
<b>TITLE OF REPORT:</b>	<b>252059 - PROPOSED CHANGE OF USE OF PUBLIC HOUSE TO A SINGLE DWELLINGHOUSE WITH NEW PORCH, PARTIAL DEMOLITIONS AND ASSOCIATED EXTERNAL WORKS AT TEMESIDE INN, LITTLE HEREFORD, LUDLOW, SY8 4AT</b>  <b>For: Mr Leonard per Mr DF Baume, 8 Peak View, Bollington, Cheshire, SK10 5GJ</b>
<b>WEBSITE LINK:</b>	<a href="#">Planning Application Details - Herefordshire Council</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 16 July 2025    Ward: Leominster North & Rural    Grid Ref: 354715,268187**

**Expiry Date: 10 September 2025**

**Local Member: Cllr John Stone**

## **1.0 SITE DESCRIPTION**

- 1.1 The application site comprises the Temeside Inn, a detached public house set within a curtilage of approximately 0.37 hectares, located on the western side of the settlement of Little Hereford, adjacent to the A456, which connects the A49(T) at Woofferton with Tenbury Wells and Kidderminster. Little Hereford is approximately 1½ -mile east of Brimfield/Woofferton, 3½ -miles west of Burford and Tenbury Wells, and 6-miles southeast of Ludlow.
- 1.2 The site lies approximately 50-metres north of the River Teme, which is designated as SSSI, and occupies a broadly level plot falling gently towards the river. The surrounding area is characterised by a small cluster of residential properties, the A465, and open riverside land, with the site forming part of the western grouping of built development within Little Hereford.
- 1.3 The site includes the main public house building with associated former parking, service areas and garden land and has remained vacant since 2020 following repeated flooding events and subsequent closure.

## **2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the change of use of the Temeside Inn from a public house (Use Class - Sui Generis) to a single dwellinghouse (Use Class C3). The development also includes limited operational development comprising external alterations including the introduction of a modest entrance porch, partial demolition of later additions, and associated external works within the existing curtilage.

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

- 2.2 Existing access arrangements would be retained, with former customer parking areas rationalised and returned to domestic garden space.

### 3.0 PLANNING POLICY

#### 3.1 Herefordshire Local Plan – Core Strategy

- SS1 Presumption in favour of sustainable development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing in settlements outside Hereford and the market towns
- RA3 Herefordshire’s countryside
- RA6 Rural economy
- SC1 Social and community facilities
- MT1 Traffic management, highway safety and promoting active travel
- LD1 Landscape and townscape
- LD2 Biodiversity and geodiversity
- LD3 Green infrastructure
- LD4 Historic environment and heritage assets
- SD1 Sustainable design and energy efficiency
- SD2 Renewable and low carbon energy
- SD3 Sustainable water management
- SD4 Waste water treatment and river water quality

#### 3.2 Brimfield and Little Hereford Neighbourhood Development Plan

- BLH5 Criteria for new housing sites in Little Hereford
- BLH6 Protection of community facilities
- BLH8 Building design principles
- BLH9 Landscape design principles
- BLH12 Water management
- BLH13 Criteria for assessing the suitability of future potential development sites
- BLH14 Development in areas of flood risk
- BLH15 Design for flood resilience and resistance
- BLH16 Design to reduce surface water run off
- BLH19 Supporting public transport, walking and cycling

#### 3.3 National Planning Policy Framework

- Chapter 2. Achieving sustainable development
- Chapter 3. Plan-making
- Chapter 4. Decision-making
- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 10. Supporting high quality communications
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

## 4.0 PLANNING HISTORY

- 4.1 243011/F - Change of use of public house to a single dwelling house with new porch, partial demolitions and associated external works. Withdrawn
- 4.2 233682/O - Outline application for proposed letting accommodation ancillary to the existing public house use. Refused
- 4.3 112918/F- Alterations to & extension of the pub trading area, extension of the existing car parking North of the pub & change of use of an area of land alongside East site of boundary from agricultural use to form part of the curtilage of the pub - part retrospective. Approved

## 5.0 CONSULTATION SUMMARY

### Statutory Consultees

5.1 Environment Agency - comment;

- 5.1.1 4/12/25 - \_Thank you for your consultation on the above application received by us on 13 November 2025. We have reviewed the supporting documentation including the Flood Risk Assessment (FRA) produced by Corner Water Consulting Ltd (ref: CWC248aRP01-Rev 1 dated November 2024) and have no objection to the proposed development at this time subject to the following comments and condition.

#### Flood Risk and Vulnerability Classification

Based on our Flood Map for Planning (Rivers and Sea) the development site falls within Flood Zones 2 and 3 (the medium and high risk zones respectively) of the River Teme (statutory main river). There are no flood defences in the area that benefit the development site.

Please note that since the FRA was undertaken, there have been updates to the flood map for planning service (NAFRA 2), and our mapping now shows that flood risk has increased in this location compared to what is shown in Figure 4-9 of the FRA.

'Annex 3: Flood risk vulnerability classification' in the National Planning Policy Framework (NPPF), sets out that the flood risk vulnerability classification would remain the same following the Change of Use on site as both public houses and residential developments are considered More Vulnerable uses.

#### Sequential and Exception Tests

We note that the application is for a change of use, which in line with the NPPF (paragraph 168), should not be subject to the Sequential or Exception Tests but will still have to meet the requirements of a site-specific Flood Risk Assessment (as set out in footnote 55 of the NPPF Flood Risk and Coastal Change). This is recognised in section 2.4 of the FRA.

#### Flood Modelling

Table 4-1 in Section 4.3 of the FRA presents our hydraulic modelling outputs for the River Teme at the development site. The nearest modelled node point to the development site is CS370 which shows a 1% annual exceedance probability (AEP) of 61.49mAOD.

The FRA then compares the modelled 1% AEP (61.49mAOD) flood level with surveyed ground levels on site, whereby it notes the location of the building has a ground level of 61.68mAOD. This shows the development site and its immediate surroundings to be up to 19mm higher than the 1 in 100 level without an allowance for climate change.

We note that the FRA sets out that based on the Environment Agency's hydraulic modelling data for the River Teme, the building sits outside of the 1 in 100 extent, but entirely within the 1 in 100 plus climate change extent which is the basis for considering future flood risk to the site.

#### Historic Flood Levels

Section 4.2 (and figure 4-4) of the FRA cites historic flooding as having recorded peak flood levels in 2007 at 62.22m AOD just south of the Temeside Inn. We also note that the Inn experienced flooding in 2020 as discussed in the design and access statement.

#### Design Flood Level

The Design Flood Level (DFL) is calculated by determining the modelled 1 in 100-year (1% annual exceedance probability) flood level and adding the appropriate climate change allowance. Where there is a model available (such as in this location), our preference would have been to complete Scenario 3 and use the modelled values then calculating a climate change allowance of 45% represented by the 2080s central allowance for the Teme Management catchment.

Section 4.3 of the FRA refers to the Environment Agency's West Midlands Climate Change guidance, for non-major developments a nominal allowance of 850mm can be used to ascertain the climate change allowance for the River Teme Management Catchment (Central 2080s allowance).

Therefore, based on the nominal method used by the applicant, the DFL for the site is 62.34m AOD (1% AEP flood level 61.49m AOD plus 850mm climate change allowance), which is confirmed in section 5.2 of the FRA. We note the DFL is higher than the 2007 historic recorded flood level by 0.12m.

#### Finished Floor Levels

We would normally expect Finished Floor Levels (FFLs) to be set 600mm above the DFL, in accordance with our Climate Change guidance.

Where FFLs are below the DFL we would consider the proposal acceptable as the application is for a change of use and providing there is no lower ground floor sleeping accommodation. We would however highlight the sustainability issues in terms of ground floor contents etc. Any electrics or flood susceptible equipment should be sited above possible flood levels or removed prior to the onset of flooding.

Whilst the proposed finished floor level is not confirmed within the FRA, we note section 5.2 which explains that the threshold for the existing floor level is 0.66m below the DFL and 0.96m below the DFL plus 300mm freeboard, and it is not practical to raise floor levels in this instance due to the loss of headroom.

Given that the planning application is for a change of use with no change in vulnerability classification, and it is shown the development on site falls within Flood Zone the design flood extent, we accept the recommendations in Section 5.3 of the FRA, to incorporate flood resilience measures to a minimum level of 300mm above the DFL.

Whilst the ground floor FFLs are below the DFL we acknowledge that sleeping accommodation will be on the first floor and therefore residential will have safe refuge in a flood event.

#### Condition

Flood proofing (resistance and resilience) measures shall be incorporated into the property as recommended in the FRA ref CWC248a-RP01-Rev 1, section 5.3, unless otherwise agreed in writing by the LPA.

These following recommended measures should be sited to a minimum of 62.34m AOD, which is 300mm above the 1% plus climate change flood level:

Plaster coatings on walls able to withstand recurrent flooding

Electrical switches, socket outlets, accessories and flood susceptible equipment

Reason: To protect future occupants for the lifetime of the development.

#### Removal of Low Plinth Wall and Associated Earthworks

We note that the Design and Access Statement, section 3.01 and the submitted drawing, ref: 6000-22-B (dated Sept 24) indicate that there will be the removal of an external retaining wall and the reinstatement of ground levels to their original extent. There is, however, no further detail within

the application to quantify the amount of material which will need to be removed to reinstate it to its previous condition.

From local imagery, it appears that the works took place sometime between 2021 and 2024. From a flood risk perspective, a planning application which proposes the increase of ground levels within the floodplain should normally be compensated to ensure that there is no increase in third party impacts as a result of the development. We cannot see that such a flood storage compensation scheme has been carried out from the submitted details. As such, we support the removal of the retaining wall and material behind that wall to restore it to its original condition.

We would recommend that the council are satisfied with what the original levels were on site to quantify the amount of material to be removed and the exact levels to be reinstated.

We note a topographical survey dated August 2011 (Drawing Number: 15402/1 – A) on the planning website which appears to pre-date the addition of the retaining wall and materials from, however, we also recognise the topographical survey submitted to accompany Herefordshire planning application ref: 112918, also from August 2011, Drawing Number: 15402/1. These surveys differ despite being produced in the same period.

As such, the original ground level detail remains uncertain at this time, and we recommend that the Council ensure that the original ground levels and quantities of material to be removed are confirmed at the earliest opportunity, and following quantification, we recommend that the removal of material is conditioned appropriately through the planning consent.

We note that the ground levels which underpin the FRA are based upon the 2023 topographic survey, the 2011 datum survey and DEFRA LIDAR data. We note that the July 2023 Datum Survey is included in Appendix D, however, the spot height Topographical study shown in Figure 4-6 of the FRA is not appended but appears to be similar to the 2011 study on the planning application file, including the heights around the area where the wall and material have been added.

The removal of material may also change the mapped flooding extents shown in figures 4-4, 4-5, 4-7, 4-8 and 4-10 depending on the levels that the existing topographical study it is based upon. Whilst this may not change our position on the change of use as proposed through this application, it could be important when considering safe access and egress and third party impact.

We also note that in the area where ground levels appear to have been raised, there may be a culverted watercourse (see Figure 3-9 of the FRA). Your LLFA may wish to be consulted upon any works above or within proximity to the culverted ordinary watercourse. They may also advise on other consents (such as land drainage consent) that could be applicable in this instance.

#### Export & Import of Wastes at Site

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

#### Safe Access and Egress

Paragraph 047 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 044 provides details on access and egress.

It is for the LPA to determine if the FRA has sufficiently considered whether safe, pedestrian access and egress above the DFL can be achieved. 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.

Pedestrian access should preferably remain flood free during the design flood event. However, in cases where this may not be achievable, the FRA may demonstrate that access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the design flood level). Reference should be made to DEFRA Hazard risk guidance (FD2320) – 'Danger to People for combinations of Depth and Velocity' Table 13.1.

Access and egress by vehicular means is a matter for your Emergency Planners and the Emergency Services.

#### Flood Warning and Evacuation Plan (FWEP)

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.

We would advise that the Flood Warning and Evacuation Plan 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.

Should you be minded to secure permission with a Flood Warning and Evacuation Plan (FWEP) we would not make comment on the appropriateness or otherwise of it. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider the FWEP secures safe and sustainable development.

For your consideration, a comprehensive Flood Warning service operates in this local area. A trigger level may be sought to assist in evacuation. The Applicant / future occupiers should contact 08708 506506 to be set up on our flood warning system.

#### Foul Drainage

We have attached our Foul Drainage Assessment Form to assist in your consideration and potential submission with your application. This is attached for your use if seen as appropriate.

We note that the proposals include replacing the existing septic tank system with a package treatment plant. Further information on Environmental Permits can also be found here:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Alternatively, the Council may have its own assessment form. The Council's Building Regulations team may also advise.

#### 5.2 Natural England – no objection;

##### 5.2.1 4/12/25 - NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would: have an adverse effect on the integrity of the River Clun Special Area of Conservation (SAC) damage or destroy the interest features for which River Teme Site of Special Scientific Interest (SSSI) has been notified.

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

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

- 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.

### 5.3 Severn Trent – comment;

5.3.1 17/9/25 – With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method.
- If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

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

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

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at [www.digdat.co.uk](http://www.digdat.co.uk) Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

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

5.4 Dŵr Cymru Welsh Water – comment

- 5.4.1 12/8/25 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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.

5.5 Canal and Rivers Trust – co comments to make.**Herefordshire Council consultations**5.6 Area Engineer (Local Highways Authority) – comment;

- 5.6.1 12/8/25 - The Local Highway Authority (LHA) has reviewed the proposals for the change of use of the Temeside Inn to a single four-bedroom dwelling. The site will retain both existing vehicular accesses to the north and south, which are considered acceptable in terms of visibility and layout.

The estimated traffic generation for the proposed residential use is anticipated to be lower than that of the previous public house use, particularly during peak periods. As such, the proposal is not expected to have any adverse impact on the safety or capacity of the local highway network.

In line with the Council's Design Guide for New Developments, secure cycle storage is required for new residential development. Whilst this has not been detailed in the current submission, it can be secured through the imposition of a suitably worded planning condition.

Accordingly, the Local Highway Authority raises no objection to the proposed development, subject to the inclusion of a condition securing the provision of secure cycle storage.

5.7 HC Built and Natural Environment Service (Ecology) – comment; -

- 5.7.1 14/11/25 - Statutory Biodiversity Net Gain

The supplied ecology report by Ecology Planning dated 22/11/2024 and accompanying statutory metric are noted.

It is noted that proposed BNG 'gains' are either delivered within the new residential curtilage – or features creating this curtilage and thus are not acceptable as delivering any 'gain' as the outcome is uncertain and not legally secured/certain for required minimum 30 year period; or are outside the redline development boundary and would be considered as being "off-site" and requiring separate legal agreements/conservation covenants and registering on the national Habitat Bank register prior to confirmed legal allocation.

Any BNG scheme/amended redline boundary to include the river side area (aquatic habitat) will require a specialist BNG assessment by a suitably qualified consultant.

The updated BNG scheme can be subject to detailed approval under the required discrete 'discharge' of the statutory condition PRIOR to any permitted works commencing onsite. The applicant accepts with any planning permission granted that the existing BNG proposal is unacceptable, is NOT being approved, and will require revision, separate legal agreements-national registration; or a decision and certainty of purchase to secure all required BNG habitat units from an offsite, legally registered "Habitat Bank" submitted at 'discharge' stage.

## Habitat Regulations Assessment

Natural England's SSSI Impact Risk Zone – requiring all planning applications to be subject to a formal Natural England consultation is triggered by this application. Planning Permission must not be granted until a no objection response has been received from Natural England.

The development consist of creating ONE new residential dwelling with new foul water management systems within the catchment of the River Clun SAC and Teme SSSI. The council has a duty to ensure these are considered in respect of the nature conservation sites:

- River Teme SSSI (water quality and effects on associated habitats and species)
- River Clun SAC (Freshwater Pearl Mussel and life cycle requirements – Salmonid species populations)

The River Clun is currently in full nutrient neutrality in respect of Nitrogen and Phosphate pathways. The River Teme SSSI (currently in unfavourable condition as assessed by Natural England including due to identified excess of nutrients). This unfavourable condition potentially has an effect on Salmon species populations that are intrinsically linked to the Fresh Water Pearl Mussel that is a notified feature species of the River Clun SAC that forms part of the catchment of the Teme linked by the two rivers confluence at Leintwardine. The LPA needs to ensure developments do not contribute further to this unfavourable condition or would hinder improvements away from unfavourable status. In this specific case nutrient flows/pathways are the considered effect.

### Notes in respect of HRA

The proposal is for one new residential dwelling with change of use of the complete curtilage to residential use.

- The existing building is a Public House with linked staff/owner residential accommodation located on the upper floors. An existing residential use is identified.
- The existing residential use provides a baseline for consideration of effects of residential foul water flows on the River Teme SSSI (linked Clun SAC).
- This is considered as a 'like for like' change of use in respect of residential usage of the site.
- As a 'like for like' project there are no identified additional or new residential foul water flows created by the proposed development.
- No new or additional nutrient pathways into the River Teme SSSI are identified from the proposed development and this adverse effect is considered as being 'screened out' at stage 1 of the HRA process.

The proposed development's construction phase is identified as having a potentially direct and indirect effect on the immediately adjacent River Teme SSSI.

A fully comprehensive ecological and environmental 'Construction Environmental Management Plan should be secured as a pre-commencement condition. The CEMP must ensure all potential environmental effects are fully considered alongside detailed ecological working methods and species specific Risk Avoidance Measure are implemented.

The River Teme is known to support an active Otter population and any works impacting the river bank or other accessible areas of land in anyway will likely require a specific Otter Mitigation Licence to be obtained from Natural England. If not obtained a clear, scientifically evidenced, demonstration as to why it is not required should be included in the CEMP supplied for approval.

There is also potential for changed/increased external illumination to directly impact local protected species, including those associated with the River Teme SSSI.

A condition to ensure there is NO illumination of the river or its immediate bank and any new lighting associated with the residential dwelling are controlled is requested on any planning permission granted.

#### River Teme SSSI (River Clun 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.

Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority. If post implementation monitoring surveys are required by Natural England Licence a copy of all survey results should be submitted to the planning authority within 3 months of any such surveys being completed.

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.

#### River Teme SSSI and Protected Species – Illumination and Dark Skies (external illumination)

No external or internal transmitted lighting resulting from the approved development or its use shall at any time cause any illumination of the River Teme or 10m of bank from the river edge.

Subject to previous constraint, no external lighting or external luminaires 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

5.8 HC Waste & Recycling – no response.

5.9 Land Drainage Team / Lead Local Flood Authority – no specific comments to make / refer to Environment Agency.

#### Other consultees

5.10 Campaign for Real Ale (CAMRA) – object;

5.10.1 25/11/25 - Following the recent floods in Herefordshire a number of county pubs were inundated, including two in Ewyas Harold (the Dog Inn and Temple Bar) and the Bridge Inn at Michaelchurch Escley. All three of these pubs are now open and trading normally again. The latter of the three pubs features in the attached BBC report. Noteworthy, is the fact that the Bridge Inn was up and running again within 24 hours.

These examples are a further clear demonstration that, whilst distressing at the time for the pub operator/owner, flooding per se can be manageable as part of running a pub business. CAMRA asserts that this evidence further supports our view that the argument made by the applicant in regards to not being able to obtain insurance is not necessarily a barrier to trade. Moreover, the Bridge Inn has only recently changed hands, supporting our position that potential pub operators are still interested in taking on flood-prone pub businesses.

5.10.2 4/11/25 - I apologise for the lateness in providing this further information with regards to this application. Herefordshire CAMRA has previously objected to this application (in a submission via the planning portal in the name of Dr M Rochefort). It is hoped it is possible for you take into account this further submission of evidence before arriving at your final determination of this application.

Herefordshire CAMRA asks for it to be noted that all the commercial marketing activity that was undertaken with regards to seeking to sell the Temeside Inn as a pub dates back to April 2021 – or much earlier. That is a minimum period of four and a half years during which it would appear there has been no marketing activity at all. As the applicant's own supporting submission makes clear, a lot has happened to the application premises over that intervening period, including the impact from the COVID 19 pandemic and repeated flooding incidents. Moreover, it is evident the pub's physical condition has also deteriorated during this time. All of these matters will have a direct impact on the value of the premises as a pub as opposed to where it was back in 2021. In recognising the actions of previous tenants during this period in seeking to keep the pub trading (despite the COVID pandemic issues and flooding setbacks), it is CAMRA's view that a full marketing exercise should be undertaken as per Herefordshire Council's policy SC1. Aside from the length of time that has elapsed since it was marketed for sale, there are other sound reasons why CAMRA takes this view. First, are the attributes of the pub in terms of its attractive location; community value, and trading history. These are adequately addressed in the previous CAMRA objection (Dr M Rochefort submission refers) and are mirrored by other parties who have also submitted objections.

Further, the fact that the spectre of COVID 19 is now firmly in the past means the pub property landscape has fundamentally altered from where it was in April 2021. However, what provides a stronger indication as to the merits of seeking a new marketing exercise for the pub business, is experience learned from three other Herefordshire pubs that have recently experienced serious flooding events following the impact of the COVID pandemic. These all demonstrate that flooding (and any associated insurance issues that may result) are not necessarily an impediment for a pub to either trade successfully or to be of interest to a potential purchaser.

These three examples are set out, thus:

1. The Riverside Inn in Wye Street, Ross-on-Wye, HR9 7BT is a pub that has experienced flooding episodes over the years due to its close proximity to the River Wye. In fact, it was closed and in a steady deteriorating condition for SIXTEEN years continuously before it was refurbished and re-opened in April 2025 after being bought by new owners. CAMRA estimates the cost of the refurbishment works alone to be in excess of £500,000. This is a clear example of a riverside pub that has attracted the business confidence of new owner-operators (who were already experienced in the hospitality trade) despite its flooding history; its poor physical condition upon purchase, and the extended duration of its closure. Suffice it to say, the Riverside Inn has now returned to being a thriving pub business. A copy of an article from Herefordshire CAMRA's Hopvine magazine regarding the re-opening of the Riverside Inn is attached as an appendix to this document.

2. Another example of a flood-prone pub in the county is the Saracen's Head, St Martin's Street, Hereford HR4 0FD. The pub premises abuts the city's old bridge over the River Wye. The pub has been another to suffer from repeated episodes of floodwater ingress. However, this has not stopped it from being refurbished and re-opened for trade on several occasions, the most recent

being when a new operator (with many years' experience in the pub trade) took on the now-refurbished premises in October 2025; this all following the floods of November 2024.

3. Finally, another example is the namesake Saracen's Head at Symonds Yat East, Ross-on-Wye, HR9 6JL. This pub has a long history of being regularly inundated by river water, owing to it also being located on the banks of the River Wye. The pub's owner said to the BBC following a flood in February 2020 that the flood waters were the worst in living memory, that it had devastated them with water even coming in through the windows. Despite this, and with the effects of COVID still at play, in 2022 the pub's operators actually sought to invest further in the business by applying to planners to build a storage annex building as an extension to the pub. Not only have they not ceased trading and quit the premises, but they have demonstrated their business confidence in the future of the riverside venue despite the ongoing risks presented by floodwater. As with the other two example pubs above, this venue is still trading successfully today.

There are other pubs in Herefordshire (including those in Whitney-on-Wye, Leintwardine and Hereford) and Ludlow who have experienced flooding and, therefore, also need to manage the threat of flooding in their day-to-day business dealings. But it is these three examples that particularly highlight two key things.

Firstly, IT IS possible to operate a viable pub business despite an ever-present threat of flooding and, secondly, there are potential operators willing buy and develop the business at flood-prone pub premises. Therefore, to suggest or imply there is no reason to market a pub premises for sale by dint of it being prone to flooding wouldn't appear withstand reasonable scrutiny in this case. Thus, CAMRA believes that the Temeside Inn should first be marketed for sale in line with the provisions set out in Policy SC1 before consideration is given to an alternative use.

CAMRA believes that only by declining the application for converting the Temeside Inn into a private dwelling, will it ultimately persuade the owner as to the merits of undertaking a full marketing exercise to sell the pub to a new operator based on its current situation and trading potential. Therefore, CAMRA asserts that for these reasons – and in taking into account the persistent social and economic harm that will result from the permanent loss of the Temeside Inn – this application should be resisted.

Thank you for affording CAMRA the opportunity to further comment on this application.

## 6.0 REPRESENTATIONS

6.1 Brimfield and Little Hereford Parish Council – object;

6.1.1 11/8/25 - The Parish Council strongly objects to this application for the following reasons:

### 1. Severe and Ongoing Flood Risk

The Temeside is located in a known flood-prone area adjacent to the River Teme. The applicant has not demonstrated how safe, dry access would be provided during flood events. The flood levels cited in the application do not reflect local knowledge and historical evidence — the site has flooded significantly on multiple occasions in the last 20 years, above the levels stated.

This application fails to comply with Policy SD3 (Sustainable Water Management and Water Resources) of the Herefordshire Core Strategy, which requires development to avoid areas at risk of flooding and to ensure safe access and egress during flood events. The lack of credible mitigation poses a serious threat to future occupants and emergency responders.

### 2. Loss of a Valued Community Facility

The Temeside has historically served as a public house and is a valued local facility. No evidence has been provided to show that the site has been marketed as a pub or offered to the local community for purchase. The applicant has not demonstrated that the business is no longer viable or that there is no prospect of it being used in this way again.

This is contrary to Policy SC1 (Social and Community Facilities), which states that proposals involving the loss of community facilities will not be permitted unless it can be shown that:

- The facility is no longer viable; and
- All options for continued community use have been fully explored and exhausted

No such evidence has been presented.

### 3. Harm to the Social Fabric of the Village

The closure and potential loss of The Temeside as a public house would represent a significant loss to the village's social infrastructure. Rural communities are already under pressure from the erosion of public services and amenities; the removal of this facility would further undermine opportunities for social cohesion and local engagement.

This conflicts with the overarching aims of the Core Strategy to support sustainable, balanced rural communities, as outlined in Policy RA6 (Rural Economy) and Policy SS1 (Presumption in Favour of Sustainable Development).

Given the substantial concerns over flood safety, policy non-compliance, and community impact, the Parish Council formally requests that this application be determined by the Planning Committee.

6.2 22 representations have been received raising objections to the proposal. It is noted that a number of these are from the same individuals submitting multiple responses. The comments can be summarised as follows; -

- It is stated that the closure and proposed loss of the public house has already had a negative impact on nearby caravan and holiday parks, with guests valuing the ability to walk to a local pub and some choosing alternative destinations since its closure, which is said to undermine local tourism and business viability.
- It is argued that the permanent loss of the pub would result in long-term economic harm to the local area, including the loss of direct and indirect employment supported by the public house and its wider supply chains.
- The pub is described as a long-established and valued community asset, having operated for over 50 years and functioning as a social hub supporting village life, community cohesion and social wellbeing, including during the COVID-19 pandemic. It is suggested that the property should be listed as an Asset of Community Value.
- It is contended that alternative facilities cited do not represent genuine replacements for the pub, noting that the village hall and sports club operate on a limited or event-only basis, the Roebuck is closed, and the nearest public house is approximately two miles away along an un-paved main road.
- It is stated that without the pub, residents would be required to travel significant distances for basic social interaction, resulting in the loss of an accessible local social outlet, particularly affecting those without access to private transport.
- Flood risk is identified as a key concern, with statements that the site floods regularly, that ground floor flooding of up to around one metre has occurred on multiple occasions, and that safe, dry access is not achievable during flood events. It is argued that residential use would be inappropriate given the ongoing flood risk and the difficulties in managing or insuring against losses compared to a commercial use.
- Concerns are raised that Environment Agency guidance for residential development in the floodplain has not been adequately addressed, that there is insufficient flood attenuation provision, and that recent ground level alterations may exacerbate flood risk.

- Objection is raised to the proposed foul drainage arrangements, with concern that any new system would discharge to ground and ultimately the River Teme, which is described as already environmentally stressed.
- It is argued that conversion to a four-bedroom private dwelling would not contribute to meeting local social or affordable housing needs in a rural area.
- The marketing and viability evidence is disputed, with statements that marketing overlapped with COVID-19 lockdowns, that there has been no meaningful marketing in recent years, and that there was genuine interest in purchasing the pub as a going concern, including funded offers from previous tenants which were refused without negotiation.
- Claims that the pub was offered for community purchase are questioned, with statements that no evidence has been provided and that no meaningful attempt was made to explore a community-owned or community-run model, despite examples of successful community pubs elsewhere.
- It is asserted that the pub was thriving when last operated, that decline and vacancy are attributed to the actions of the owner rather than inherent lack of viability, and that the building has been allowed to deteriorate over several years, creating an eyesore at a prominent river crossing and giving rise to the perception that residential conversion was always intended.
- On the basis of the cumulative economic, social, community, flood risk, drainage, marketing and viability concerns, it is urged that planning permission be refused and that the public house be retained for community use.

1 representation received, neither objecting or supporting, but making 'general comments'. The comments can be summarised as follows; -

- Former leaseholder states the pub was run as a successful and profitable business between February 2015 and March 2017.
- The pub was well supported by local residents and visitors and benefited from its roadside and riverside location, particularly during summer months.
- The business hosted a range of events including private parties, weddings, shoot dinners and Christmas meals, contributing to year-round trade.
- Regular use by local groups and teams provided additional custom during quieter periods, including winter.
- The pub attracted trade from a nearby caravan site which lacks its own clubhouse.
- The representation argues that the factors supporting the pub's previous success remain and that there is no reason it could not trade successfully again

6.3 The full comments are accessible via the Herefordshire Council Planning Register, through searching the reference number of the Herefordshire Council website.

## 7.0 OFFICER APPRAISAL

### Principle of development / loss of the public house

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

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

7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy and the Brimfield and Little Hereford Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

- 7.3 For completeness, although the Council currently has a 3.11-year housing land supply, this does not render the most important policies for determining the application out-of-date for the purposes of paragraph 11(d) of the NPPF. The relevant policies in this case are identified as being the Core Strategy Policy SC1 and Policy BLH6 of the Brimfield and Little Hereford NDP, which concern the safeguarding of community facilities and do not relate to the supply or distribution of housing. Both policies are consistent with the NPPF's approach to preventing the unnecessary loss of community uses. Accordingly, the 'tilted balance' is not engaged and the proposal falls to be determined in accordance with the development plan, in line with Section 38(6).
- 7.4 Policy SC1 of the Core Strategy seeks to protect, retain or enhance existing social and community infrastructure, or ensure that new facilities are available as locally as possible. It goes on to state that '*existing facilities will be retained, unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected; or it can be shown that the facility is no longer required, viable or is no longer fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace, in terms of size, quality and accessibility.*'
- 7.5 Policy BLH6 of the Brimfield and Little Hereford NDP is in general conformity with Policy SC1, but applies its safeguarding principles to the local level. It states the following;
- The Parish Council will not permit the change of use of existing facilities to other uses unless one of the following can be demonstrated:*
- a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites must be accessible by public transport, walking and cycling, and have adequate car parking; or*
- b) There is no longer a need for the facility, and this is demonstrated to the satisfaction of the local planning authority, advised as appropriate by the Parish Council.*
- 7.6 Taken together, Policies SC1 of the Core Strategy and BLH6 of the Brimfield and Little Hereford NDP impose a clear and restrictive policy test against the loss of previously established social and community facilities. In both cases, development may be supported either where accessible, equivalent (or enhanced) alternative facilities are provided, or where it is demonstrated that the facility is no longer required, with Policy SC1 additionally allowing for consideration of viability.
- 7.7 Policy BLH6 applies this safeguarding approach with a focus on whether a continuing need for the facility exists within the parish and this assessment is to be made to the satisfaction of the Local Planning Authority, informed as appropriate by the Parish Council (through consultation).
- 7.8 With this policy context in mind, the two main considerations relating to the acceptability of the loss of the public house are set out below.
- Is the facility no longer required (and, where relevant, viable or fit for purpose)?
- 7.9 Policy SC1 seeks to determine whether the facility is no longer required, viable or is no longer fit for purpose. Only one of these would need to be satisfied, and that which is relevant ultimately depends on the nature of the facility and the evidence supplied to support the application.
- 7.10 In this case, the applicant has submitted a viability report prepared by Halls (dated 2024), together with supporting appendices which also including marketing evidence from Fleurets and Sidney Phillips, insurance correspondence, and a summary of business failures. The report highlights significant challenges, including repeated flooding events given the site's location adjacent to the River Teme, the consequential inability to secure flood / public liability insurance, substantial capital expenditure required to bring the premises up to a tradeable/attractive standard, and a history of business failures with multiple tenants. While the applicant's valuer concludes a

negative residual value on the basis of high assumed refurbishment costs, these figures are not supported by independent QS costings and therefore attract only moderate weight.

- 7.11 Between February 2015 and April 2021, the property was marketed at a value of £495,000, with of a substantial number enquiries but only three formal offers, none of which proceeded to completion (one withdrawn following the 2020 flooding). It is noted that the marketing was undertaken at an asking price which was more than double the valuation provided in the viability report as above referenced, and the significant disparity suggests that the historic marketing price may not have reflected realistic market value. As the Halls valuation is an up-to-date assessment of the building's current condition and market context, the evidential weight that can be placed on the earlier marketing exercise is therefore reduced in the absence of more recent marketing at an appropriate and realistic level. The evidence nevertheless points towards significant and persistent challenges to the continued operation of the premises as a trading public house.
- 7.12 While the riverside location may be commercially appealing in some respects, the practical implications of flood risk and the associated costs and operational uncertainties are considered to be deterrents, as documented and could provide some suggestion that the facility is no longer fit for purpose - especially noting its deteriorating state.
- 7.13 That said, local residents, the Parish Council, and CAMRA contest that the pub was trading successfully until the most recent flood event, and that offers to purchase as a going concern were made. It is also acknowledged that further evidence of marketing or alternative business models could, in theory, be submitted. The local objection to the loss of the public house is acknowledged, and this does give weight to an argument that the facility is still considered to be required by the community (i.e there remains a need for it); albeit the level of public interest is not considered to be significant in the context of the community/ locality as a whole.
- 7.14 Taking all matters into account, including the representations from the Parish Council, former operators and CAMRA, it is acknowledged that there is credible evidence that the Temeside Inn has operated successfully in the past, and that there remains some support for its continued use as a public house (i.e still considered to be required). While the submitted viability evidence identifies significant operational challenges, particularly in relation to flood risk and insurance, these matters are not fully substantiated such that they clearly demonstrate the premises is no longer fit for purpose; and, in the absence of any recent, robust marketing at a realistic price point, the viability evidence cannot be fully relied upon to demonstrate that the facility is no longer capable of viable operation in all circumstances.
- 7.15 As such, it is not been convincingly demonstrated that the facility is either no longer required, viable or fit for purposes. On this basis, it is not considered that this limb of Policies SC1 and BLH6 is complied with.

Is there appropriate alternative provision available within the locality?

- 7.16 Turning to the second limb, consideration is now given to whether appropriate alternative provision of equivalent or enhanced value is available within the locality, in accordance with Policies SC1 and BLH6.
- 7.17 It is acknowledged that Policy BLH6 refers to circumstances where the proposal itself includes alternative provision. Policy BLH6 defines community facilities as including "village halls, sports facilities and religious buildings". In this case, no replacement public house is proposed as part of the development. This is not unexpected: the types of facilities explicitly referenced in the policy are typically unique, parish-level assets, the loss of which would normally therefore require a like-for-like replacement to be proposed within the same scheme. By contrast, a public house is a commercial use that can, in practice, be provided in more than one location within the wider community, and its replacement would not reasonably be expected to form part of a single change-of-use application.

- 7.18 In this context, and having regard to the wording and purpose of Policy BLH6, the assessment therefore proceeds on the basis of whether sufficient alternative provision exists within the locality to serve the community affected, in line also with Policy SC1 and paragraph 98(c) of the NPPF.
- 7.19 It is noted that, within Policies SC1 of the Core Strategy and BLH6 of the Brimfield and Little Hereford NDP, the terms “community” and “locality” (used respectively when considering alternative provision) are not expressly defined. In applying the policy test, it is therefore necessary to interpret these terms in a reasonable manner, having regard to the spatial context and objectives of the development plan.
- 7.20 In this regard, it is first important to consider that Brimfield and Little Hereford are combined to form the most local tier of governance and together comprise the designated Neighbourhood Area for the purposes of the NDP. The NDP has been prepared on this joint geographical basis, and its objectives are framed in collective terms. Notably, Objective 6 of the Neighbourhood Plan seeks “*to work together and support the local community to protect local community facilities*”, which supports the position that Brimfield and Little Hereford are intended to be considered as a single community or locality for policy purposes.
- 7.21 Accordingly, for the purposes of Policy BLH6, it is considered reasonable to interpret the requirement for an alternative facility of equivalent or enhanced value to be “*available or provided within the locality*” as referring to the Neighbourhood Area as a whole, rather than being limited solely to the individual settlement of Little Hereford. However, this does not remove the need to consider whether any such alternative facility would, in practical terms, be realistically accessible and functionally equivalent for residents of Little Hereford, having regard to distance, means of travel, and day-to-day usability. This is important especially when considering the ‘community affected’ as per Policy SC1.
- 7.22 This approach is consistent with paragraph 98(c) of the NPPF, which seeks to guard against the unnecessary loss of valued community facilities, including public houses, where such loss would reduce the ability of communities to meet their day-to-day needs. With this in mind, the assessment of alternative provision must consider not only the existence of facilities within a wider area, but also whether they serve the same community, and are accessible to those considered to be affected by the proposed development.
- 7.23 The Temeside Inn is the only public house within Little Hereford. In terms of nearby alternatives, The Roebuck Inn, located in neighbouring Brimfield, retains lawful use as a public house and is the subject of a current planning application (ref. 253337) for refurbishment and partial change of use. While it is not currently trading and the outcome of the undetermined application is currently unknown, the lawful use remains extant, and the prospect of refurbishment provides an opportunity for the Roebuck to reopen and serve the Neighbourhood Area, including Little Hereford. The Salwey Arms is located at Woofferton (part of a contiguous built-up area comprising Brimfield and Wyson) and although lying strictly outside of the Neighbourhood Area and within Shropshire, it serves as a currently trading community facility. Given these factors, both premises are considered realistic alternative facilities capable of serving residents of Little Hereford.
- 7.24 It is acknowledged that neither the Roebuck nor the Salwey Arms are accessible on foot from Little Hereford, but are both situated a broadly similar distance by road (approximately 1¼ -miles and a drive time of 2-3 minutes by car). They are both established public houses of similar or greater size to the Temeside Inn, and benefit from dedicated parking. Notwithstanding the Salwey Arms’ location just outwith Herefordshire, this is considered an academic point, with the Salwey arguably serving a very similar catchment as the Roebuck, and likely to only a limited extent different to that of the Temeside, given the close functional and spatial relationship between the settlements of Brimfield/Wyson, Woofferton and Little Hereford, their surrounding rural hinterlands, and the associated pattern of movement. As such, both the Roebuck and the Salwey could reasonably provide alternative facilities for the eastern part of the Neighbourhood Area (i.e

Little Hereford), albeit with some limitations in terms of accessibility for those without private transport; a characteristic which is commonly associated with rural communities in any case. To emphasise this point, any replacement facility that were to be located within Little Hereford itself, would still fail to demonstrate that it would be accessible to all by public transport, walking and cycling, given the settlement pattern and lack of pedestrian/ cycle infrastructure.

- 7.25 It is accepted that the Parish Halls in both Brimfield and Little Hereford provide venues for community events and social activity. Whilst these are not a direct replacement for a public house in terms of their size and quality as a daily informal meeting place, they can be afforded some limited weight but are not relied upon as substitute provision, but rather as a complementary element to the wider social infrastructure.
- 7.26 Furthermore, the nature of the Temeside Inn as a roadside public house should be acknowledged, whose viability could be more dependent on destination trade than on local wet sales, given the size of Little Hereford (especially when compared to Brimfield/Wyson). Little Hereford is a small settlement, and only a handful of properties are located within close proximity, as to be able to access the public house on foot. While the evidence presented, including representations from the Parish Council and local residents, indicates that the Temeside Inn has historically played an important role as a community hub for Little Hereford, the presence of the Roebuck (with realistic prospects of reopening), the Salwey Arms, and the parish halls is considered, on balance, to provide some mitigation against the loss of the Temeside Inn as a public house within this defined locality. Indeed, those making representation in objection reside not only in Little Hereford, but also in Brimfield, Middleton, Ludlow and Tenbury.
- 7.27 Drawing these matters together, it is acknowledged that there is no alternative public house within Little Hereford itself, and that the identified alternatives are invariably subject to some limitations in terms of accessibility. On this point specifically, while Policy BLH6(a) is framed to secure alternative provision accessible by walking, cycling and public transport, the rural baseline here is considered determinative. Little Hereford's limited 'walk-in' catchment, limited or nil public transport, and the resultant pattern of car reliance ultimately means strict compliance with the expectations of this development plan policy would render the alternative-provision limb undeliverable in practice. Interpreting BLH6 proportionately, and having regard to the functional catchment in which the Neighbourhood Area is situated within, both the Roebuck (extant lawful use with a realistic prospect of reopening) and the Salwey Arms (currently trading) are considered to offer reasonably accessible alternative facilities.
- 7.28 However, when assessed at the scale of the Neighbourhood Area as a whole and considering the impact on the locality and community affected, it is considered that the presence of the Roebuck Inn (with an extant lawful use and a realistic prospect of reopening), together with the Salwey Arms and the availability of parish halls for community events, provides a degree of alternative provision that together could be considered as available and of an appropriate quality and size.
- 7.29 While this alternative provision may not replicate the role of the Temeside Inn in all respects, and reduced weight is afforded to non-trading or non-daily facilities, it is considered that, on balance, and noting that Policies SC1 and BLH6 set out their expectations on an either/or basis, the alternative provision limb of those policies is broadly satisfied to determine the principle of loss of the facility as acceptable.

### **Design and visual / landscape impact**

- 7.30 The proposed external alterations comprise the removal of a later, incongruous add-on to the northern elevation of the inn; the construction of a modest timber-framed porch; and the removal of a retaining wall and areas of hardstanding associated with the existing car park. These interventions are limited in scale and are sympathetic to the host building's traditional form.

- 7.31 Given their modest scale, these elements would not give rise to harm to visual amenity or to the wider rural landscape. The proposals therefore accord with Core Strategy Policy SD1 and LD1 (sustainable design) and with the relevant design policies of the Brimfield and Little Hereford NDP, notably BLH8 and BLH9 and the principles of the NPPF.

### **Access and highway safety**

- 7.32 The site is served by two existing vehicular access points onto the A456, which form part of the established lawful use of the premises as a public house. These access arrangements would be unchanged as part of the proposal, except for the northern access which would be reduced to a standard width; but no adverse / highway safety impacts are anticipated to arise as a result of this.
- 7.33 In considering vehicle movements, the lawful fallback position of the site as a public house is material. Public houses can generate comparatively high levels of traffic, including staff movements, customer trips and deliveries. In contrast, the proposed use as a single dwellinghouse represents a significant reduction in overall trip generation when compared to the established lawful use. As such, the proposal would have a net positive or neutral effect on the operation of the highway network.
- 7.34 The Local Highway Authority (LHA) has reviewed the application and raises no objection, noting that the proposed use would not impose an unacceptable impact on highway safety or the capacity of the local highway network.
- 7.35 The proposal also includes the reduction of the existing hard-surfaced parking area to the south of the building. This is considered acceptable as the parking retained would be more than sufficient to meet the needs of a single residential property.
- 7.36 Although the LHA has recommended a condition requiring details of secure cycle storage, this is not considered to meet the tests for planning conditions. The proposal relates to the change of use of an existing building to a single dwelling with ample private curtilage, in a rural location where cycle use is not practical or a reasonable expectation of future occupiers. Cycle parking can be readily accommodated within the site without the need for control, and its absence would not result in any adverse highway safety or sustainability impacts. The condition is therefore not 'necessary', nor 'reasonable' and thus has not been included.
- 7.37 On this basis, the development is considered to accord with Core Strategy Policy MT1 and relevant guidance in the NPPF, and is acceptable in terms of access and highway safety.

### **Impact on residential amenity**

- 7.38 The site lies adjacent to the A456, with Crossing Cottage and Gamekeepers Cottage located to the north; however, given the modest scale of the alterations and the significant reduction in activity associated with the lawful fallback use as a public house, no undue impacts on residential amenity would arise. Any short-term construction-phase effects will be appropriately controlled through the Construction Environmental Management Plan (CEMP) already required for ecological mitigation.

### **Ecology and impact on the River Teme SSSI and River Clun SAC**

- 7.39 The application site lies adjacent to the River Teme SSSI, which forms part of the wider River Teme catchment. The River Teme is hydrologically connected to the River Clun SAC, designated for its population of Freshwater Pearl Mussel (*Margaritifera margaritifera*). Given this, and in line with the precautionary principle under the Conservation of Habitats and Species Regulations 2017, the proposal has been subject to Habitat Regulations Assessment (HRA).

- 7.40 The project in this case comprises the change of use of an existing public house (with ancillary residential accommodation) to a single dwellinghouse, with some associated minor operational development. The Council's Ecologist has confirmed that, for the purposes of the HRA, the residential element of the existing public house constitutes the baseline. As such, the proposal represents a like-for-like residential foul-water change, and no new or additional foul-water / nutrient pathways to the River Teme SSSI (and by extension, the River Clun SAC) are considered to be created. This conclusion is set out in Table 3 of the Appropriate Assessment (**Appendix 1**).
- 7.41 It is also noted that the scheme includes the upgrade of the existing septic tank to a modern package treatment plant. Although this is subject to separate EA permitting due to the SSSI designation, the upgrade nevertheless represents an improvement.
- 7.42 However, the proposal does include a limited degree of operational development and engineering operations, including the provision of a porch, some minor demolition works on the northern elevation, the removal of a section of retaining wall and associated made ground, and the reduction of the extent of the existing southern car park. These could introduce the potential for construction-phase effects, including silt mobilisation, pollution, disturbance to protected species (notably Otter), and temporary impacts on supporting habitats during this phase.
- 7.43 Accordingly, the project could not be screened out at Stage 1 of the HRA, and a Stage 2 Appropriate Assessment was undertaken by the Ecologist. Natural England has been consulted on the HRA and raises no objection, subject to the adoption of the identified mitigation measures (Construction Environmental Management Plan and restriction in external lighting – secured by Conditions 3 and 5, respectively).
- 7.44 With this, the Appropriate Assessment concludes that the proposal would not give rise to adverse effects on the integrity of either the River Teme SSSI or the River Clun.
- 7.45 Beyond the specific considerations as set out above, the development is limited in scale and confined largely to the existing curtilage of the public house. No priority habitats would be impacted, and the site does not lie within or immediately adjacent to any non-statutory wildlife sites. The Council's Ecologist has confirmed that, subject to the implementation of the Construction Environmental Management Plan (CEMP) – as required for the HRA, there would be no unacceptable impacts upon protected species, including Otter associated with the River Teme corridor.
- 7.46 The applicant has submitted the required Statutory Biodiversity Metric evidence, which confirms that the development would achieve the mandatory 10% biodiversity net gain, primarily through the removal of hardstanding and the creation of additional permeable garden habitat, alongside small-scale enhancements such as native planting and bird and bat boxes. Delivery, monitoring and long-term management of these measures would be secured through the statutory BNG condition.
- 7.47 With the above in mind, the proposal is considered to accord with Policy LD2 and SD4 of the Core Strategy and Policy BLH15 of the Brimfield and Little Hereford NDP, and the principles set out in the NPPF.

### **Flood risk and drainage**

- 7.48 The application site lies adjacent to the River Teme and is located within an area subject to fluvial flood risk. The Environment Agency (EA) Flood Map for Planning indicates that the majority of the site is located within Flood Zone 3, with areas of Flood Zone 2 also present.
- 7.49 Policy BLH12 of the Brimfield and Little Hereford NDP seeks to ensure that development in areas with known surface water flooding issues, appropriate mitigation and construction methods would be required.

- 7.50 Policy BLH14 states that until adequate surface water drainage measures / waste water treatment facilities have been installed to protect both existing properties and any new development, proposals for new residential development in Brimfield and Little Hereford will only be considered acceptable in Flood Zone 1. It goes on to set out the expectations for development in Flood Zone 2, and for Flood Zone 3 it is stated that the Parish Council will resist new residential development.
- 7.51 As required by Policy SD3, the application is supported by a Flood Risk Assessment (FRA) which has been informed by EA hydraulic modelling data, which provides a more detailed / accurate assessment of flood risk when compared with the more strategic Flood Map for Planning. The EA, as statutory consultee and in response to the consultation, has confirmed that its most up-to-date modelling (including NAFRA2 data) has been reviewed and, notwithstanding updated mapping showing an increased extent of flood risk in parts of the site, raises no objection to the proposed development subject to conditions.
- 7.52 The FRA confirms that the existing public house building itself is located marginally above the modelled 1 in 100-year flood level (without climate change allowance), but would be affected during more extreme events when climate change is taken into account. Historic flood events, including those recorded in 2007 and 2020, are acknowledged. The FRA is therefore considered to appropriately assess flood risk to the site.
- 7.53 For the purposes of flood risk vulnerability classification, it should be recognised that both the existing public house use and the proposed residential use are defined as 'More Vulnerable' development, as set out in Annex 3 of the NPPF; explicitly including drinking establishments and dwelling houses within the same vulnerability category. The proposed change of use would therefore not result in any increase or change in flood-risk vulnerability in policy terms, as confirmed by the EA in their bespoke response.
- 7.54 In accordance with paragraph 176 of the NPPF and footnote 62, the Sequential Test is not required in this instance, as the proposal comprises a change of use of an existing building with no material increase footprint (i.e less than 250m<sup>2</sup>).
- 7.55 The FRA demonstrates that the development can be made safe for its lifetime through a combination of mitigation measures. These include:
- use of flood-resistant and flood-resilient materials;
  - siting electrical systems and other vulnerable components above predicted flood levels;
  - no sleeping accommodation at ground-floor level;
  - provision of safe refuge at first-floor level during flood events.
- 7.56 The EA confirms that although the existing floor level is below the design flood level, this is acceptable for a change of use provided the above resilience measures are secured and there is no ground-floor sleeping. Condition 4 is therefore recommended to secure implementation of the FRA's mitigation in accordance with Policies SD3, BLH14 and BLH15, and national policy.
- 7.57 The proposal also includes the removal of a low retaining wall and associated made ground within Flood Zone 3 adjacent to the eastern edge of the car park to the fore of the public house. These works do not benefit from planning permission or consent from the EA and therefore constitute an unauthorised engineering operation. As such, their removal cannot be taken as a positive benefit of the development, but rather as a remedial matter relating to past works. The EA supports reinstatement of original ground levels as this would avoid obstruction of flood flows and loss of floodplain storage. However, the acceptability of the proposed change of use does not depend upon these works being removed. The FRA and the EA's consultation response confirm that the development can be made safe for its lifetime through resilience measures alone (secured by

condition). Given this, the reinstatement of ground levels is not necessary to make the proposed development acceptable in planning terms.

- 7.58 With this in mind, a condition requiring details and specification of historic pre-alteration levels would not meet the tests for planning conditions as set out in the NPPF, as it would not be 'necessary' to make the development acceptable, nor 'relevant' to the development to be permitted. Any matters concerning the unauthorised engineering operations themselves fall within the scope of separate planning enforcement powers rather than this permission and that relating to EA permitting regulations/ Flood Risk Activity permits.
- 7.59 In relation to surface water and foul drainage, the FRA confirms that surface water runoff would be managed through sustainable drainage measures, and that foul drainage would be managed via a package treatment plant; this would require an EA permit given the discharge to the River Teme SSSI; but would be a demonstrable benefit to the existing septic tank it would replace.
- 7.60 Overall, it is considered that the proposed would not result in an increase in flood risk, would not increase vulnerability of the use of the site, and can be made safe for its lifetime through appropriate measures. Subject to conditions, therefore, the proposal is considered acceptable in flood-risk and drainage terms.

### **Other matters**

- 7.61 In response to representations, it is noted that the Temeside Inn was recently nominated for inclusion on the Council's List of Assets of Community Value. However, as confirmed in the published ACV register, the nomination was declined on 13 November 2025 on the basis that the premises, being closed at the time of nomination, did not meet the statutory definition of land of community value under Section 88 of the Localism Act 2011, with insufficient evidence of future community use. Accordingly, the ACV process has no bearing on the planning assessment in this case.
- 7.62 The proposed development raises no issues in respect of waste storage, contaminated land or land stability.
- 7.63 No planning obligations are required in this case.
- 7.64 The proposal has been assessed in accordance with the Public Sector Equality Duty and the Human Rights Act and no adverse impacts have been identified.

## **8.0 CONCLUSION**

- 8.1 While the loss of the Temeside Inn as a public house is regrettable, and the evidence before the authority leaves some doubt as to whether the facility is still required, viable or fully fit for purpose, the relevant development plan policies provide for an 'either/or' assessment of proposals involving the loss of community facilities. In this case, the availability of alternative public houses within the functional locality, together with the wider social infrastructure within the Neighbourhood Area, is considered sufficient to satisfy the alternative-provision limb. On that basis, and notwithstanding the contested viability position, the principle of the change of use is considered acceptable.
- 8.2 The operational development and engineering proposed are modest and would not result in harm to visual amenity, landscape character or neighbouring living conditions. Compared with the lawful fallback use as a public house, the proposed dwelling would likely generate significantly less activity, and no access or highway safety concerns arise, principally for this reason. Flood-risk, drainage and ecological matters have been satisfactorily addressed, and the development would not increase vulnerability in flood-risk terms.

- 8.3 Accordingly, the scheme is judged to accord with with the relevant policies of the development plan, and no material considerations of sufficient weight have been identified to justify a decision other than in accordance with it.

**RECOMMENDATION :** That officers named in the Scheme of Delegation are authorised to grant full planning permission subject to the conditions set out below and any other further conditions considered necessary:

#### **STANDARD CONDITIONS**

##### **Time limit**

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

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

##### **Approved plans**

2. The development shall be carried out strictly in accordance with the approved plans listed below.
  - 6000-19-A Location and Block Plan
  - 6000-22-B Proposed Site Plan
  - 6000-21 Proposals

**Reason:** To ensure adherence to the approved plans in the interests of proper planning and for the avoidance of doubt, in accordance with the Herefordshire Local Plan – Core Strategy, Brimfield and Little Hereford Neighbourhood Development Plan and relevant principles set out in the National Planning Policy Framework.

#### **COMPLIANCE/ CONSTRUCTION PERIOD**

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

3. Prior to the commencement of any operational development, including any site clearance, demolition, groundworks, engineering works, or the bringing of machinery, equipment or materials onto the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a full Ecological Working Method Statement (EWMS) and identify a suitably experienced and qualified ‘responsible person’ (Ecological Clerk of Works).

The EWMS shall be informed by an ecological assessment undertaken within the six months preceding the submission of the CEMP and shall include:

- species-specific risk avoidance and protection measures;
- pollution prevention measures including to prevent silt or debris entering the River Teme SSSI;
- details of working methods, timing restrictions, and exclusion zones;
- measures to ensure protection of Otter and other protected species;
- site set-up including storage areas, compounds and material stockpiles.

The development shall thereafter be carried out strictly in accordance with the approved CEMP and all measures shall remain in place until all operational works are completed and all equipment and materials have been removed from the site.

Within three months of receiving any protected species licence(s) from Natural England, a copy of the licence and the results of any additional survey work undertaken to support the licence shall be submitted to, and acknowledged in writing by, the Local Planning Authority. Where post-implementation monitoring is required by the licence, the results shall be submitted within three months of completion of each monitoring survey.

Reason: In order to secure the protection of legally protected species and sensitive habitats, and to ensure appropriate working practices during construction, having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.

#### **PRIOR TO FIRST USE/OCCUPATION**

##### **Flood risk measures**

4. Prior to the first occupation of the dwelling, flood proofing (resistance and resilience) measures shall be incorporated into the property as recommended in the FRA ref CWC248a-RP01-Rev 1, section 5.3, unless otherwise agreed in writing by the Local Planning Authority.

These following recommended measures should be sited to a minimum of 62.34m AOD, which is 300mm above the 1% plus climate change flood level:

- Plaster coatings on walls able to withstand recurrent flooding.
- Electrical switches, socket outlets, accessories and flood susceptible equipment.

Reason: To protect future occupants for the lifetime of the development in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy, Policy BLH14 of the Brimfield and Little Hereford neighbourhood Development Plan and the National Planning Policy Framework.

#### **COMPLIANCE/OPERATIONAL**

##### **External lighting**

5. No external lighting or internally transmitted light resulting from the approved development or its use shall at any time illuminate the River Teme or any part of its banks within 10 metres of the river edge.

Subject to the above requirement, no external lighting or external luminaires of any kind shall be installed or operated other than a maximum of one LED down-lighter above or beside each external door (and below eaves height). Each light shall have a Corrected Colour Temperature not exceeding 2700K and a maximum output of 500 lumens, shall be directed downwards with a 0-degree tilt and 0% upward light ratio, and shall be operated by a passive infrared (PIR) sensor with a maximum over-run time of 1 minute. No other external lighting, including security lights, floodlights or decorative lighting, shall be installed at any time unless first approved in writing by the local planning authority.

The lighting shall thereafter be maintained and operated strictly in accordance with these approved details for the lifetime of the development.

Reason: To ensure that protected species and the intrinsically dark character of the River Teme corridor (SSSI) are safeguarded in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006 and in recognition of the Council’s Climate Change and Ecological Emergency declaration.

**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 recommend that planning permission be granted in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised that the removal of the unauthorised retaining wall and associated made ground within Flood Zone 3, as shown on the approved plans, may require liaison with the Environment Agency to ensure the works are undertaken in a manner that does not adversely affect the functional floodplain. Any reinstatement works should be carried out in accordance with good practice for working within the floodplain.
3. The applicant is advised to prepare a Flood Warning and Evacuation Plan for the property and to register with the Environment Agency’s Flood Warning Service. Trigger levels for evacuation should be set at a flood-free point, such as when floodwater begins to enter the southern car park, as referenced in the Flood Risk Assessment and the Environment Agency’s consultation response. For advice, contact the Council’s Emergency Planning team.
4. The applicant is advised that any works within or near the culverted ordinary watercourse running through the site may require separate Land Drainage Consent from the Lead Local Flood Authority under the Land Drainage Act 1991. This consent is separate from and additional to planning permission.
5. The applicant is advised that the proposed foul drainage arrangements, including the package treatment plant discharging to the River Teme SSSI, may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations. Grant of planning permission does not guarantee that a permit will be issued. Early engagement with the Environment Agency is recommended.
6. The applicant is reminded of their legal obligations under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If protected species are encountered during development, works must cease and advice sought from a qualified ecologist.

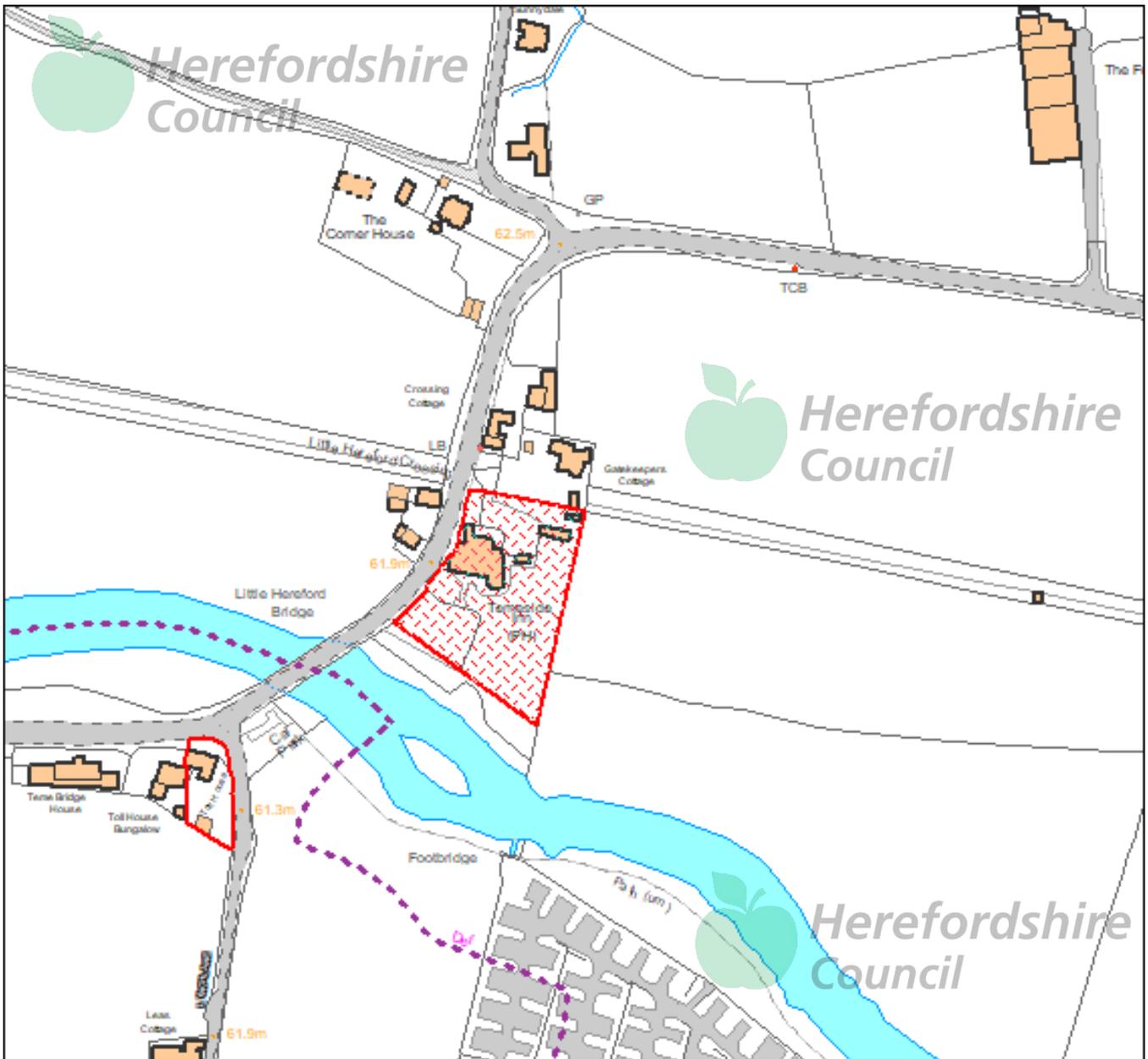
Decision: .....

Notes: .....

**Appendices**

Appendix 1 – Habitat Regulations Assessment

**Background papers** – none identified



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 252059

**SITE ADDRESS :** TEMESIDE INN, LITTLE HEREFORD, LUDLOW, HEREFORDSHIRE, SY8 4AT

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## The Conservation of Habitats and Species Regulations (2017) Part 6, section 63

‘Assessment of implications for European sites and European offshore marine sites’

### Habitats Regulation Assessment

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (the ‘Habitats Regulations’) relating to the following **planning application**.

This HRA is carried out in accordance with the relevant guidance documents including those by Natural England at <https://www.gov.uk/guidance/appropriate-assessment>, and David Tyldesley Associates <https://www.dtapublications.co.uk/>

The HRA is carried out by Herefordshire Council. Detailed information will need to be provided by the applicant to enable to authority to make the assessment.

### **The Project / Plan**

#### 1.1 Planning Application Reference Number, Description and Address

Application reference number: 252059  
 Address: Temeside Inn, Little Hereford, Ludlow, Herefordshire, SY8 4AT  
 Description: Proposed change of use of public house to a single dwellinghouse with new porch, partial demolitions and associated external works  
 Applicant: Mr John Leonard  
 Case officer: Mr Jack Dyer

Location OSGR: 354715, 268187  
 Link to Planning Application on Herefordshire Council Website:  
[Planning Application Details - Herefordshire Council](#)

#### 1.2 Description of the plan or project (details)

Proposed change of use of public house to a single dwellinghouse with new porch, partial demolitions and associated external works

#### 1.3 Documents and plans considered – *delete/ add as appropriate*

Herefordshire Local Plan Core Strategy 2011 – 2031  
 River Wye SAC Nutrient Management Plan  
 National Planning Policy Framework  
 The Conservation of Habitats and Species Regulations 2017 (as amended)

#### 1.4 Planning Policy context:

n/a

#### 1.5 Size (ha) and description (habitats etc.) of existing site

0.37 public house

#### 1.6 Surrounding land use and context in relation to designated sites

River Teme - agricultural

## **Relevant Habitats (Natura 2000) site(s)**

*Please select all that apply from:*

- River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI)
- River Clun SAC
- Wye Valley Woodlands SAC
- Downton Gorge SAC
- Wye Valley & Forest of Dean Bat Sites SAC (Wigpool Iron Mines SSSI)
- Other site (River Teme SSSI)

### **Details of the Site:**

#### **2.River Clun SAC**

The River Clun SAC covers 14.93ha in Shropshire and Herefordshire.

#### **Designated features**

Qualifying species

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Freshwater pearl mussel *Margaritifera margaritifera*

#### **Conservation Objectives of the Designated features**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

[European Site Conservation Objectives for River Clun SAC - UK0030250 \(naturalengland.org.uk\)](http://naturalengland.org.uk)

#### **Site Condition**

Site condition is taken from the constituent SSSI units for the River Teme SSSI

# River Teme SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
006	RIVER CLUN	Unfavourable - Declining	High	RIVERS AND STREAMS	14.9628 ha	SO 395 753
007	Source to confluence Ffrwdwen Brook	Unfavourable - No change	High	RIVERS AND STREAMS	47.3846 ha	SO 218 780
008	Conflu with Ffrwdwen Brook to conflu River Clun	Unfavourable - No change	High	RIVERS AND STREAMS	61.8476 ha	SO 327 731
009	Confluence River Clun to confluence River Onny	Unfavourable - No change	High	RIVERS AND STREAMS	65.1889 ha	SO 436 736
010	Confluence River Onny to confluence River Rea	Unfavourable - No change	High	RIVERS AND STREAMS	94.2148 ha	SO 545 707
011	Confluence River Rea to confluence River Severn	Unfavourable - No change	High	RIVERS AND STREAMS	157.3202 ha	SO 741 595

## Other Relevant Documents

There is a Site Improvement Plan for the River Clun which can be found at [Site Improvement Plan: River Clun - SIP188 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk)

## Stage1: Preliminary Screening including Likely Significant Effects (LSE)

Completed by:

Ecology (J Bisset)

Date: 14/11/2025

### Table 1: Initial Screening

Does the project or plan qualify for exemption from the HRA process?

Is the project or plan directly connected with or necessary for the conservation management of the habitat site (provide details)? If so the project may be considered exempt from the HRA process.	No
If the proposal is considered exempt from the HRA process? Has this been consulted upon and agreed with Natural England?	NA/Not exempt

### Table 2: Screening for Likely Significant Effects (LSE)

Key issues considered:

- Foul water
- Water pollution
- Surface water
- Construction or Demolition processes
- Protected species impacts (direct)
- Protected species impacts (indirect)
- Impacts upon supporting habitats

Details of key issues & identification of potential effect pathways

New-additional nutrient pathways  
Directly adjacent to River Teme SSSI  
Impacts on species of the Clun SAC due to effects on linked River Teme SSSI

**NB:** Where avoidance and mitigation measures do not form an integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered in order to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement).

Are there any potential effects of the project or plan when considered alone?	<p>Yes -</p> <p><i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage.</i></p> <p><i>If 'no' then proposal must still be considered in-combination below.</i></p> <p><i>The identification of a potential effect pathway is sufficient to require an Appropriate Assessment i.e. no judgement on significance/ or threshold is applied at screening stage. Existence of a pathway is considered to be an LSE.</i></p>
Are there any potential effects of the project or plan <u>in combination</u> with other projects or plans?	<p>Yes as potential effects alone and in-combination/cumulatively with other relevant projects.</p> <p><i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage.</i></p>

Natural England consultation reference and summary (if available):

XXXXXX

### Summary of LSE test conclusions

Likely significant effects – Appropriate Assessment required.

## Stage 2: Appropriate Assessment

Completed by:

Ecology (J Bisset)  
Date: 14/11/2025

### Appropriate Assessment statement including alone, impacts in-combination and discussion of proposed mitigation measures

Complete the tables and boxes below, deleting as necessary. Where information is taken from supporting documents this should be quoted and fully referenced. Any documents not available on the Council's website should be provided to Natural England when they are consulted.

#### Table 3: Impacts of the plan/ project alone + mitigation measures

Complete boxes as appropriate below and delete boxes for potential effect pathways which are not relevant:

The River Clun is currently in full nutrient neutrality in respect of Nitrogen and Phosphate pathways. The River Teme SSSI (currently in unfavourable condition as assessed by Natural England including due to identified excess of nutrients). This unfavourable condition potentially has an effect on Salmon species populations that are intrinsically linked to the Fresh Water Pearl Mussel that is a notified feature species of the River Clun SAC that forms part of the catchment of the Teme linked by the two rivers confluence at Leintwardine. The LPA needs to ensure developments do not contribute further to

this unfavourable condition or would hinder improvements away from unfavourable status. In this specific case nutrient flows/pathways are the considered effect.

**Notes in respect of HRA**

The proposal is for one new residential dwelling with change of use of the complete curtilage to residential use.

- The existing building is a Public House with linked staff/owner residential accommodation located on the upper floors. An existing residential use is identified.
- The existing residential use provides a baseline for consideration of effects of residential foul water flows on the River Teme SSSI (linked Clun SAC).
- This is considered as a ‘like for like’ change of use in respect of residential usage of the site.
- As a ‘like for like’ project there are no identified additional or new residential foul water flows created by the proposed development.
- No new or additional nutrient pathways into the River Teme SSSI are identified from the proposed development and this adverse effect is considered as being ‘screened out’ at stage 1 of the HRA process.

The proposed development’s construction phase is identified as having a potentially direct and indirect effect on the immediately adjacent River Teme SSSI.

A fully comprehensive ecological and environmental ‘Construction Environmental Management Plan should be secured as a pre-commencement condition. The CEMP must ensure all potential environmental effects are fully considered alongside detailed ecological working methods and species specific Risk Avoidance Measure are implemented.

The River Teme is known to support an active Otter population and any works impacting the river bank or other accessible areas of land in anyway will likely require a specific Otter Mitigation Licence to be obtained from Natural England. If not obtained a clear, scientifically evidenced, demonstration as to why it is not required should be included in the CEMP supplied for approval.

There is also potential for changed/increased external illumination to directly impact local protected species, including those associated with the River Teme SSSI.

A condition to ensure there is NO illumination of the river or its immediate bank and any new lighting associated with the residential dwelling are controlled is requested on any planning permission granted.

**Table 4: Remaining Impacts**

None
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**Table 5: Consequences for Conservation Objectives of the Designated Site**

Impacts on maintaining the favourable condition of the site	No
Disruptions or delays in progress towards achieving the conservation objectives of the site	No
Alterations to natural progression or other natural changes within the site	No
Loss of key habitat/ species features. Fragmentation or isolation of key species and habitats. Impacts to diversity, distribution, density, balance, area or population(s) of key species or habitats that are	No

indicators of the favourable condition of the site, including from disturbance	
Alterations to the ecological relationships and balance between species and habitats that are key to the structure/ function of the site	No
Alterations to nutrient balance or other processes vital to the functioning of the ecosystem	No

**Table 6: Integrity Test**

Will there be an impact upon the Integrity of the Designated Site?

No

**Table 7: Are there Alternative Solutions to the proposal?**

If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation then alternative solutions must be considered.

No

**Please Note:** Where there are no satisfactory alternatives then consideration may be given to whether the proposal could follow the Imperative Reasons of Overriding Public Interest (IROPI) route. Is this option is under consideration for a plan or project then specialist legal advice should be sought and followed.

**Table 9: Recommended planning conditions to secure mitigation which is required in order to achieve no effect on integrity of the Designated Site.**

<p><b>River Teme SSSI (River Clun SAC) –Construction Environmental Management Plan</b>  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.</p> <p>Within three months of receiving the protected species licence(s) from Natural England, a copy of the issued licence and results of any additional supporting survey works completed, shall be submitted to, and acknowledged in writing by the planning authority. If post implementation monitoring surveys are required by Natural England Licence a copy of all survey results should be submitted to the planning authority within 3 months of any such surveys being completed.</p> <p>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 &amp; Ecological Emergency.</p> <p><b>River Teme SSSI and Protected Species – Illumination and Dark Skies (external illumination)</b>  No external or internal transmitted lighting resulting from the approved development or its use shall at any time cause any illumination of the River Teme or 10m of bank from the river edge.</p> <p>Subject to previous constraint, no external lighting or external luminaires of any kind shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and</p>
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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*

#### **Conclusion of the Appropriate Assessment:**

**Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that **there would be NO** adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.**

**Please Note:** The authority must consult Natural England on the draft HRA and must have regard to the advice of Natural England before granting planning permission.

