

Agenda

Planning and Regulatory Committee

Date: **Tuesday 28 January 2025**

Time: **9.30 am**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and Regulatory Committee

Membership

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

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

Agenda

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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Travelling to the meeting

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

Guide to Planning and Regulatory Committee

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

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

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

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

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

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

Role of the local ward member

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

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

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

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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



Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 11 December 2024 at 10.00 am

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

Councillors: Bruce Baker, Chris Bartrum, Simeon Cole, Frank Cornthwaite, Elizabeth Foxton, Peter Hamblin, Liz Harvey, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

In attendance: Councillors Barry Durkin and Charlotte Taylor

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

35. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Polly Andrews, Dave Boulter, Jacqui Carwardine, Dave Davies and Catherine Gennard.

36. NAMED SUBSTITUTES (IF ANY)

Councillor Frank Cornthwaite acted as a substitute for Councillor Dave Davies.

Councillor Liz Harvey acted as substitute for Councillor Dave Boulter

Councillor Chris Bartrum acted as a substitute for Councillor Polly Andrews

37. DECLARATIONS OF INTEREST

Councillor Stef Simmons declared a personal interest in agenda item no.6, Sapness Farm; the family of the applicant was known to Councillor Simmons.

38. MINUTES

RESOLVED: That the minutes of the meeting held on 23 October be approved.

39. CHAIRPERSON'S ANNOUNCEMENTS

40. 202258 - SAPNESS FARM, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4RJ (PAGES 13 - 14)

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Slocombe spoke on behalf of Woolhope Parish Council, Mr Loyd, local resident, spoke in objection to the application and Mr Willis, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that there were concerns over the lack of planning controls on the site, resulting from a retrospective application, and the history of certificates of lawful development. The application had previously been deferred by the committee but the reports requested, as part of the deferral, had not been produced. The site was within a sensitive location and was close to an AONB; Core Strategy Policies LD1 and LD2 were relevant. The highway network around the site was not suitable for large vehicles and the defined route to the site, as specified in the travel plan, was not consistently observed by vehicles. This impacted adversely upon highways safety, posing a risk to pedestrians, and the lowering of the weight limit in the travel plan was proposed to reduce the risk of accidents. The increase in the number of horses on the site resulted in additional associated vehicle movements. The collection of manure should be undertaken on a more regular basis.

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

- Concern was expressed regarding the nature of the application as a retrospective application and the cumulative development on site that was occurring without following correct planning process.
- The inclusion of a requirement for a site-wide Landscape Management Plan within the conditions was raised.
- It was noted that the hedgerow around the turnout area had been damaged by horses and it was suggested that conditions for the application could be strengthened to ensure the protection of the hedges. Further, it was suggested that a condition to ensure hedgerow diversity on the site should be included in any permission granted.

The Development Manager and the Legal Adviser provided clarification regarding the suggested conditioning of a comprehensive Landscape Management Plan on the site and explained that such a requirement was considered unreasonable. It was confirmed that the management intention for the hedgerow at the paddock and turnout area could be reviewed.

The local ward member was given the opportunity to close the debate. He explained that the landscape assessment and the travel plan for the site required review. The removal of manure from the site should be undertaken more frequently than twice yearly and the local landscape required protection from the site.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion that the application be approved in accordance with the case officer's recommendation.

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

RESOLVED -

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

1. **Time limit for commencement (full permission)**
2. **The development shall be operated in accordance with the Traffic Management Plan dated February 2024.**

Reason: In order to ensure that the development is carried out

without adversely affecting the safe and efficient flow of traffic and that traffic impacts are managed and shared spaces encouraged to mitigate any adverse impacts from the development. Thereby conforming with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

3. Within 6 months of the date of this permission a landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with 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, Policy WNDP1 of the Woolhope Neighbourhood Development, and the National Planning Policy Framework.

- 4.

All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following its approval.

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

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

5. At no time shall any external lighting be installed on the site without the written approval of this local planning authority.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

6. Within 3 months of the date of this permission evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of three bat roosting box; three bird nesting boxes; two pollinating insect habitat homes and two hedgehog home on land, buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority. These features and shall be maintained as approved thereafter.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

7. **Within 6 months of the permission being issued, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 12 months of agreeing the details.**

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

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in demining 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 “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. **The permission does not authorise the stopping up or diversion of a public right of way. A right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
4. **The proposed development does not have access to mains water and is reliant on a private water supply. The officer notes that the extraction of Private Water Supplies is controlled by separate legalisation notably the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water**

Quality) Regulation 2016 and may require separate permission from the Environment Agency for extraction.

Councillor John Stone left the meeting at 10:55 a.m.

There was an adjournment at 10:55 a.m.; the meeting reconvened at 11:11 a.m.

41. 241746 - LAND AT SUGWAS POOL HOUSE, SWAINSHILL, HEREFORDSHIRE, HR4 7QD (PAGES 15 - 16)

The Senior Planning Officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as attached to these minutes.

In accordance with the criteria for public speaking Mr Robinson spoke on behalf of Stretton Sugwas Parish Council, and Mr Vaughn, the applicant's agent, spoke in support of the application.

In accordance with the criteria for public speaking the local ward member spoke on the application. In summary, she explained the frustration caused by the submission of the application after the appeal upheld by the Planning Inspectorate for a development close to the application site. The lane to the application site formed a dangerous junction with the A438 and the addition of a further house in this area created potential risk to highways safety. The junction with the A438 was unsafe with compromised sight lines. The lane to the application site required additional passing places to address highway safety concerns and extra car movement on the lane would cause an adverse impact on the local Wye Valley Walk public right of way.

The committee debated the application. The highway safety concerns relating to the site and nearby junction with the A438 were understood. There was frustration that the recently upheld appeal for another application locally had overturned the earlier objection from the Highways Team to further development in the area.

The local ward member was given the opportunity to close the debate. In summary, she explained that it was disappointing that the safety of local residents could not be taken into account due to the appeal upheld on a local development site.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion that the application be approved in accordance with the case officer's recommendation.

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

RESOLVED –

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

Standard Conditions

1. C01 – Time Limit for Commencement

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

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

2. C06 – Development in accordance with approved plans

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

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

3. CBK – Restriction on working hours during construction

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

4. CAT – Construction Traffic Management Plan

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

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

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

5. CKM – Construction Environmental Management Plan

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan – Core Strategy Policies LD1, LD2 and LD3.

Relevant Commencement Conditions

6. CAB – Visibility Splays

Visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

7. CAD – Access Gates

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

8. C13 – Samples of External Materials

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Occupancy Conditions

9. CNS – Non-standard condition

Prior to first use of any development approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of THREE bird nesting features and THREE bat roosting features, of 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. No

habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

10. CE6 – Efficient Use of Water

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

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

11. CB2 – Implementation of secure cycle storage

Prior to the first occupation of the development hereby permitted, the covered and secure cycle parking facilities shall be carried out in strict accordance with drawing number 559-32 (Proposed Site Layout) 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 SS4, SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

12. CK4 – Landscaping Implementation

All planting, seeding or turf laying in the approved landscaping scheme (drawing number: 559-32) 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, Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

13. CK5 – Landscaping Maintenance Plan

Before the development is first occupied, a schedule of landscape maintenance for a period of 5 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, Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

14. CNS – Non-standard condition

The development hereby permitted shall not be occupied until the means of access for vehicles has been constructed in accordance with details as shown on drawing number 559-32. The access shall be retained thereafter.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

15. CNS – Non-standard condition

The development hereby permitted shall not be occupied until an area for the parking and turning of vehicles to serve each dwelling has been constructed in accordance with drawing number 559-32. These areas shall be kept clear of obstruction and available for such uses in perpetuity thereafter.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

16. CNS – Non-standard condition

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the supplied plans and application form, all foul water flows created by the approved development shall be managed through a connection to the local mains sewer network; and all surface water managed through a Sustainable Drainage System, details of which shall be submitted to and agreed in writing by the local planning authority. The system shall be implemented in full accordance with the approved details and shall be retained as such thereafter in perpetuity. The approved foul and surface water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

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 Policies SS1, SS3, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan.

17. CNS – Non-standard condition

The dwelling hereby permitted shall be constructed as a self-build dwelling within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation. The dwelling shall be occupied in accordance with the approved details.

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

Post-Occupancy/on-going compliance conditions

18. CNS – Non-standard condition

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies SS1, SS3, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

19. CNS – Non-standard condition

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

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3; Herefordshire Council's declared Climate Change and Ecological Emergency, and Policies SS1, SS2, SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan.

20. C58 – Domestic use only of garage

The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan

– Core Strategy, Policies SS4 and SS7 of the Stretton Sugwas Neighbourhood Development Plan and the National Planning Policy Framework.

Informatives

1. IP1 – Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. INS – Non-standard informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

3. I05 – No drainage to discharge to highway

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

4. I10 – Access via a public right of way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.

5. I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

6. I45 – Works within the highway

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

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

7. I50 – Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact Balfour Beatty (Managing Agent for Herefordshire Council) Public Rights of Way Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).

8. INS – Non-standard informative

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The meeting ended at 11.45 am

Chairperson

**202258 - RETROSPECTIVE ERECTION OF TWO PAIRS OF
STABLES AND WOODCHIP TURNOUT PADDOCKS AT
SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ**

**For: Mr Lacey per Mr Marc Willis, 30 The Causeway,
Chippenham, Wiltshire, SN15 3DB**

OFFICER COMMENTS

Following the site visit, it was observed that six additional structures had been constructed to provide protection from wind and rain. These matters have been referred to enforcement, and it falls within their jurisdiction to determine the appropriate course of action to be taken by the Local Planning Authority. These do not fall within the scope of the present application.

NO CHANGE TO RECOMMENDATION

**241746 - PROPOSED SELF-BUILD DWELLING AND GARAGE
AT LAND AT SUGWAS POOL HOUSE, SWAINSHILL,
HEREFORDSHIRE, HR4 7QD**

**For: Mr James per Mr Stephen Vaughan, The Heathers, 74
Ross Road, Hereford, Herefordshire, HR2 7RL**

ADDITIONAL REPRESENTATIONS

One further letter of representation has been received, the material planning considerations of which is as follows:

“With this being the last piece of land a new build can be built on, and after 4 have now been approved on the lane over the recent years, nothing has been done to improve safety at the junction which has been raised before on previous applications. Of which the planning inspectorate says no more should be built until improvements have been made.”

OFFICER COMMENTS

The additional representation raises no new material planning considerations and the highway aspects of the proposal are discussed extensively between paragraphs 6.33 and 6.44 of the officer report inclusive.

Further to a query raised during the site inspection meeting by members, a research of accident data via the Local Highway Authority has been undertaken and there have been no accident records for the A438 Sugwas Pool junction over the preceding 5 years (1/1/2019-10/12/2024). The last accident recorded was in 2015.

The Planning Inspector in respect of the appeal decision at Appendix 1 does not view that no further development should be permitted. It is for the decision-maker to assess each application on its own merits and constraints.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 JANUARY 2025
TITLE OF REPORT:	242506 AND 242507 – PROPOSED RENOVATION, REPAIR AND REFURBISHMENT WORKS REQUIRED TO SHIRE HALL INCLUDING THE INTRODUCTION OF A NEW LIBRARY SPACE WITHIN THE ASSEMBLY HALL AT SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HX For: Mr Pritchard per Mrs Helen Rea, Graingers Porcelain Works, Unit 9 St Martins Quarter, Silver Street, Worcester, WR1 2DA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242506 (Planning Permission); and https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242507 (Listed Building Consent)
Reason Applications submitted to Committee – Material objections to Council Application/owned property	

Date Received: 27 September 2024 Ward: Central

Grid Ref: 351250,239978

Expiry Date: 31 January 2025

Local Member: Cllr Catherine Gennard

1. Site Description and Proposal

- 1.1 Shire Hall is a Grade II* listed building dating from the early 19th century with mid-19th century extensions and more recent alterations and interventions during the 20th and into the 21st century. It occupies a prominent location in the heart of Hereford City Centre facing towards St Peters Square, where Union Street, Offa Street and St. Owen Street meet. St Peters Church (also Grade II* Listed) is located to the west; Gaol Street to the north and east; and the Shire Hall Car Park to the immediate south. The immediate and wider environs of the site are characterised by a mixture of 18th, 19th and 20th century built form under a mixture of commercial, business, service and residential uses. The site also lies wholly within the Hereford Central Conservation Area and the Hereford Area of Archaeological Interest.
- 1.2 The applications seek full planning permission (242506) and listed building consent (242507) to undertake necessary repairs (structural, architectural, mechanical, electrical and plumbing) and compliance upgrades to the internal and external building fabric of the Hall. This would enable the proposed re-location of the Hereford Public Library to be situated within the Assembly Room and the proposals also include both structural and servicing upgrades to facilitate the library design and functionality.
- 1.3 The planning use class of Shire Hall falls within Use Class F1 so it is advised that its use of the building as a public library does not require planning permission. Use Class F1 was introduced as part of updates to the Use Classes Order on 1st September 2020, which covers some of the former use classes of D1 (non-residential institutions), including library. The applications therefore simply concern the proposed renovation, repair and refurbishment works required.

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

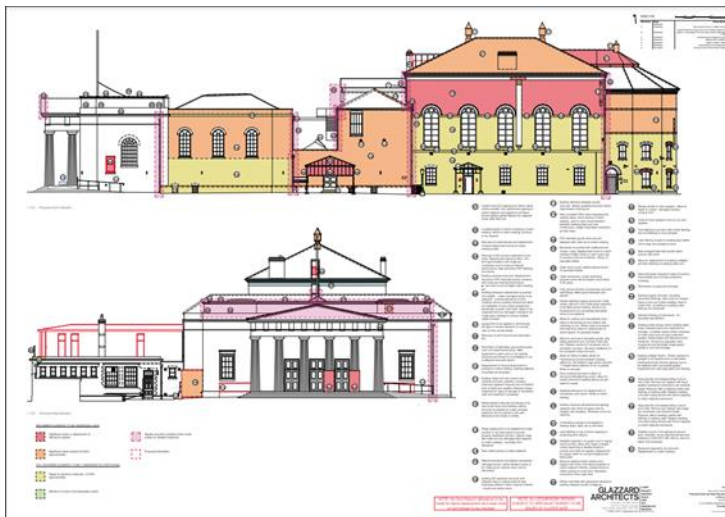
- 1.4 The building is owned and managed by Herefordshire Council. Up until early 2020, the building had been fully occupied and accessible to the public, though following a handful of instances where part of the ceiling has collapsed throughout the Hall including that of Court Room 1 during 2020, the entire building is now unoccupied. Certain spaces within the building were deemed to be unsafe and essential repairs were carried out to prevent further damage over Court Room 1 and additional structural investigations have already been undertaken. However, no space can be occupied until further repair works and refurbishment is completed which has resulted in the submission of these applications.
- 1.5 The repairs proposed intend to be delivered over several phases which cover a number of years. As such, given the extent of works proposed, Members are referred to the submitted plans and supporting documentation on the application webpage which fully details what is being proposed. To assist with visualisation, provided below is the external existing and proposed elevations of the Hall:



Existing South and West Elevations (2142 6001 Rev D)



Existing North and East Elevations (2142 6000 Rev D)



Proposed South and West Elevations (2142 6004 Rev G)



Proposed North and East Elevations (2142 6003 Rev G)

- 1.6 The relevant links to the 2 applications for Planning Permission and Listed Building Consent are provided below:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242506&search-term=shire%20hall&search-service=search&search-source=the%20keywords&search-item=%27shire%27%20and%20%27hall%27

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242507&search-term=shire%20hall&search-service=search&search-source=the%20keywords&search-item=%27shire%27%20and%20%27hall%27

- 1.7 The proposed refurbishment & redevelopment is primarily focused on getting the building structurally sound, wind and weather tight and restoring the internal finishes and mechanical and electrical (M&E) systems to make the building compliant for public access again, though it is noted that the other driver for this project is for the building to accommodate the new city library and associated community spaces within the existing assembly hall and undercroft area.
- 1.8 The proposed works would lead to the main entrance area becoming the main entrance for the entire building, including the library. The area is to be generally refurbished, with the current interview rooms for Court Room 1 being opened up to create a gallery space within this entrance area. The Court Rooms would be refurbished to restore their original historic fabric, with Court

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

Room 2 to remain as a working court room and Court Room 1 proposed as a versatile events space. Due to the aforementioned damage to the ceiling within Court Room 1, a new lathe & plaster ceiling would be introduced. The associated rooms and corridors between these rooms would also be refurbished, including roof repairs to ensure they are structurally adequate, and replacement of existing skylights to ensure a weather tight building going forward.

- 1.9 As explained above, the existing Assembly Hall would facilitate the new library, with supporting services being placed in the undercroft area below. The new library will comprise of new bookshelves around the perimeter and throughout the central spaces, along with casual seating areas and the re-use of the existing staged seating. The works would also entail the site to provide meeting rooms and community skills development areas, along with heritage interpretation and tours.
- 1.10 In terms of external alterations, the existing first floor CCTV room to the north of the site would be demolished, along with the adjacent stairs, reverting the building back to its original single storey construction. This will reinstate a large flat roof area which will then be utilised for installing new PV, along with maintenance access. For improving accessibility, there would be a revised main entrance access with extensions of portico steps to introduce DDA compliant access ramp, along with removal of existing access installation to the northern and southern sides of the portico. A new external canopy would be erected to the south elevation.
- 1.11 A small extension is proposed to the north of the Assembly Hall within the service yard, replacing the current external plant area and ramp. This new extension will accommodate a new stair serving the assembly hall level, as well as a book hoist and new plant room area. A new metal canopy would be erected at the south elevation to match the adjacent.
- 1.12 To make the building throughout a more useable space for the general public, the overall M&E strategy is being upgraded with new M&E equipment positioned on the flat roof between the court rooms, within the Assembly Hall roof, and within the existing plant rooms in the basement areas.
- 1.13 The design proposals has been refined through workshops, consultations and investigative surveys. Both structural and servicing strategies have been honed over the process to prioritise the solutions from a historic building perspective and there have been numerous meetings with the Council's Building Conservation Officer and Historic England. The library design has also been influenced by community engagement undertaken by Herefordshire Council/Core Creative and wider stakeholders.
- 1.14 In briefly summarising the extent of works of particular relevance and interest, though not an exhaustive list of works proposed:
 - Revised main entrance access with extensions of portico steps to introduce DDA compliant access ramp, along with removal of existing access installation to the northern and southern sides of the portico;
 - Revisions to the main entrance lobby including treatment of existing entrance vestibule (20th century), to allow for upper doors to be re-revealed;
 - Alterations and additions to the internal hallway circulations areas associated with the library installation;
 - Demolition of modern 'Family Room', to allow for re-instatement of southern side of circulation space, and the south elevation, to its original arrangement;
 - Demolition of modern alterations on the northern side associated with previous Crown Court function, with small retention of later interventions for practical reasons.
 - Removal of staircase and mechanical stair lift in northern circulation area and proposed accessible WC and subdivision of existing kitchen;
 - To the assembly hall ceiling, proposed de-stratification system to ensure even distribution of heat and air movement, including alterations and/or removal of some decorative latticework ventilation grilles and their surrounds;

- Proposed underfloor heating system to assembly hall floor and strengthening works necessary to accommodate the library function.
- New entrance lobby to the assembly hall ('library')
- New metal external canopy at south elevation;
- Proposed re-instatement and repair works to plasterwork and court furniture in court room one;
- New heating system to court room two as part of ceiling repairs previously undertaken for emergency structural strengthening;
- Assembly hall roof strengthening works, with steelwork connected around rather than through the timber components, whilst also independently supporting the load of the M&E equipment necessary for the new library.
- Undercroft floor remedial works including replacement;
- Court room 1 and court room 2 roof strengthening works;
- Low level flat roof strengthening works;
- Addition of PV panels to flat roof space;
- Position of M&E plant equipment and associated gantry structures, with retention and repair of existing roof lantern adjacent to proposed gantry location;
- Dormer enlargements ('widening') to the existing roof dormers of court rooms one and two;
- New roof access walkways;
- Roof replacement or repairs;
- Basement demolitions to electrical services and former detention cell WC;
- New services, ducting and ventilation openings in basement;
- Demolition of fire exit lobby at first floor;
- Removal of security bars and associated screening from rooflights;
- Demolition of undercroft partitions;
- Demolition of access ramp and fire exit structure at north elevation ground floor;
- First floor demolition of fire exit doors and associated ironmongery;
- Part removal of assembly hall stage which is currently obscuring historic stage, including re-instatement of the historic conductor's rostrum, and removal of uppermost tier of bench seating at the top of the stage;
- Removal of assembly hall radiators and partition wall removal in the upper level offices.
- Demolition of 1st floor structure (CCTV room);
- Window replacement, rooflight repairs, roof lantern repairs and parapet coping repair at first floor; and
- Works to electrical & lighting, heating, M&E builders works and bollards

2. Policies

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

SS1 – Presumption in favour of sustainable development

SS4 – Movement and transportation

SS6 – Environmental quality and local distinctiveness

SS7 – Addressing climate change

HD1 – Hereford

HD2 – Hereford city centre

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

SD3 – Sustainable water management and water resources

SD4 – Waste water treatment and river water quality

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 34 of the revised National Planning Policy Framework (NPPF) require a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan - Core Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight. The Herefordshire Local Plan – Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-
https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 National Planning Policy Framework (NPPF) – revised on 12 December 2024

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

The NPPF was revised by the UK Government in response to the proposed reforms to the NPPF and other changes to the Planning system consultation on 12 December 2024. The NPPF sets out the government’s planning policies for England and how these are expected to be applied in both plan-making and decision-making. This supersedes the most recently revised version published on 20 December 2023. The revised NPPF can be viewed using the following link:-
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.3 National Planning Practice Guidance (PPG)

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

2.4 Other relevant guidance:

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

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

2.5 Legislative Context

Listed Buildings and Conservation Area

- Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority

must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

3. Planning History

- P210163/XA2 – Application for approval of details reserved by conditions 3 & 4 attached to Listed Building Consent 202386 – approved
- P202386/L – Refurbishment of structure including decorations new glazing and localised fabric repairs – approved
- P201938/XA2 – Application for approval of details reserved by condition 3 of planning permission 192999 & Listed Building Consent 193000 – approved
- P193886/XA2 – Application for approval of details reserved by condition 3 attached to listed building consent 191986 – approved
- P192999/CD3 and P193000/L – To install a proprietary GRP kiosk with face brick slip external cladding to house new boiler and electrical plant, with underground service ducting to connect the new kiosk with the existing building and plant – approved
- P192032/L – Installation of two fibre circuits from the local exchange to a free standing cabinet and 10no. Internal Wi-Fi access points with supporting cabling – approved
- P191986/L – Provision of cooker hood and extract in ground floor kitchen – approved
- P191123/L – Replacement of defective lath and plaster ceilings with wood wool slabs – approved
- P184337/F – Proposed change of use of land for the periodic siting of a mobile unit throughout the year until September 2020 – withdrawn
- P183027/L – Internal partitions to form separate offices/meeting rooms together with adaptations to service media to facilitate new offices – approved
- P170690/L – Fire precaution compliance works to improve and update certain features and elements to the building structure including doors, glazing/windows, fire emergency signage, fire alarm installation and emergency lighting - approved
- P160590/A – Proposed signboard – approved
- P141206/CD3 and P141207/L – Proposed construction of brick wall under ramp. Ventilation grilles and louvers. Fixed and retractable bollards at the entrance to the rear yard and replace existing car parking spaces on the south elevation with a paved area – approved
- P132402/CD and P132403/L – Revised access to rear, lower ground, internal alterations to create members accommodation and forming both door and window openings in same area. Replacing ramped means of escape from main hall with metal stairs. Installation of a passenger lift – approved
- P130964/L – Installation of security gate entrance off Union Street, plus internal alterations – approved
- DCCE2006/2251/L – Replacement of heating pipework and radiators – approved
- DCCE2006/1097/F – Installation of stone benching with glazed screen – approved
- DCCE2006/1101/L – Adaptations to front forecourt and entrance portico to provide a wheelchair platform stairlift disabled access, and stone bench with glazed screen – approved
- DCCE2004/4242/F - Installation of stairlift to front elevation for disabled access – approved
- DCCE2004/3997/L – Installation of disabled stair lift to front entrance – withdrawn
- DCCE2004/0170/L – Installation of 2 no condensing units – approved
- CE2003/1153/L – Installation of 2 No External Air conditioning condensing units – approved
- HC970267LA – the removal of glazed canopy for repair & reinstatement upon completion – approved

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

- HC970131LA – the installation of a chair lift from the ground floor corridor up to the great hall – approved
- HC960052LA – the erection of handrail provision to front foyer area – approved
- HC950204LD – demolition of swiftplan due to dilapidated state. reinstatement of boundary wall – approved
- HC950103LA – alt. main ent.hall to allow installation of county council inf.cent.relocation of steps to members room & pub. gallery within side space, remod.infill of lower part of arch,fix display boards to walls – approved
- HC930201LD – formation of link corridor between buildings at first floor level – approved
- HC910330LD – demolition of flat roofed brick built side entrance porch – approved

4. Consultation Summary

Statutory Consultations

4.1 Historic England – No objection

1st consultation 7 November 2024

“Thank you for your letters of 18 October 2024 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

Above all, Historic England welcomes the Council’s commitment to the repair and reuse of this important Grade II* listed building. The proposed scheme recognises the building’s evident value to Hereford, and its major contribution to the quality of its historic townscape and rich history.

We therefore have no objection to the proposals and recommend that further matters of detail yet to be established continue to be closely monitored by the Council’s Conservation Officers. We defer to them to consider which finer details are required prior to determination and, if the Council are minded to approve the application, which might be safeguarded by conditions.

Historic England Advice

Site Context & Heritage Significance

Shirehall was constructed in 1815-17 to the designs of renowned classical revival architect, Robert Smirke, whose numerous other works include the British Museum and nearby Eastnor Castle.

Shirehall is among the landmark historic buildings in Hereford, whose siting and architecture afford a commanding presence in the city centre. Its dominant portico addresses St Peter’s Square and into the city; the architecture an insight into the power and authority once asserted in its use as Courts of Justice.

This sense of authority is extended to the interior which boasts a number of impressive spaces and a plan form which reflects its historic function. Of the two court rooms, one retains its original courtroom fittings and layout of quality timber benches and panelling, complete with adjacent judge’s rooms and stairs up from the cells below. The interior also includes quality historic paintings and some historic furniture.

The rear of the building incorporates the former Assembly Rooms, part of adaptations carried out in 1862-3 by William Chick, which has enriched the building’s quality and interest.

The building is Grade II* listed in recognition of this very high significance, historic and architectural interest, representing just 5.8% of all listed buildings nationally.

Shirehall is currently vacant, following the unfortunate relocation of use of the courts and the collapse of a courtroom ceiling in the summer of 2020.

The Impact of the Proposals

The proposals seek the repair and refurbishment of the building for reuse as a community hub, incorporating a number of public services and bookable spaces.

Among many other services, this involves the relocation of the Library into the former Assembly Rooms at the rear of the building. The existing library will be moving out of its current site as part of a separate major renovation and enhancement of Hereford Museum & Art Gallery, currently underway. The scheme has been subject to detailed pre-application discussions with Historic England.

For the most part the proposed works intend few major alterations to historic fabric or plan form, working with the building's existing spaces.

The project would also secure several positive benefits, not least the reuse of one of Hereford's landmark historic buildings, extending its use to serving the local community.

It would see the retention and celebration of the historic court rooms and its fine historic fittings, the reinstatement of lost features such as historic ceilings, and the reimagining of the former Assembly Rooms as a public library and events space.

The works would also see the removal of later additions and alterations which detract from the building's architectural interest (For example the long ramp service access at the north side of the Assembly Rooms, proposed to be replaced with an improved approach which raises no concerns).

Legislation & Policy Considerations

With the site's very high significance in mind we would draw your attention to the statutory duties of the local authority set out in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of section 16 of the National Planning Policy Framework.

Historic England's Position

Above all, Historic England welcomes the Council's commitment to the reuse of this important historic building. The proposed scheme recognises the building's evident value to Hereford, and its major contribution to the quality of its historic townscape and rich history.

Throughout pre-app discussion we have been pleased to note that the project team are working closely with the Council's Conservation Officers and specialist contractors, ensuring that interventions are based on a thorough understanding of the building's significance, the nature of its design and historic function as a court, and its various changes over time. We recommend that this close relationship continues as the project progresses.

Further Details to be Established

As expressed at pre-app, we recommend that further matters of detail yet to be established continue to be closely monitored by the Council's Conservation Officers.

This should include matters such as: the method and specification of various repairs or strengthening works, interventions relating to M&E works, and aspects of design such as the detail for library draught lobby.

A key area of detail vital to explore is the construction of a ramped access to the principal portico entrance. The provision of equal access here raises no concerns in general, and offers opportunities to replace the now disused previous interventions. We remain fully supportive of improving access for all, and we recognise the Council's desire to achieve this at the principal entrance. Given the very high significance of this elevation and its sensitivity to change, we would stress the eventual need for closely detailed construction drawings and the use of appropriate high-quality materials. We would be happy to advise on this in detail.

We defer to Council's Conservation Officers to consider which of these finer details are required prior to determination and, if the Council are minded to approve the application, which might be safeguarded by conditions.

Recommendation

Historic England has no objections to the applications on heritage grounds. Your authority should take these representations into account in determining the applications. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decisions in due course."

2nd consultation 6 January 2025

"Thank you for your letter of 23 December 2024 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we do not wish to offer any further comments than those already expressed in our letter of 7 November 2024. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request."

4.2 **Dwr Cymru/Welsh Water – No objections; conditions recommended**

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

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

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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

Advisory Notes

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

and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

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

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

- 4.3 **National Amenity Societies (the Society for the Protection of Ancient Buildings, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Victorian Society and the Twentieth Century Society) – No response received to date**

Internal Council Consultations

- 4.4 **Building Conservation Officer – No objections; conditions recommended:**

"Recommendation:

Following positive engagement to address design/specification related heritage matters, and notwithstanding details on earlier drawings and documents which do not reflect those of later revisions, the amended scheme for the proposed library and learning space, and renovation, repair and refurbishment works, are supportable from a heritage perspective, subject to any additional information necessary being provided by way of condition.

Whilst every effort has been taken to design the scheme so that its impact on the significance of the Grade II* listed building is minimised, some degree of harm is inevitable with a project of this scale.

Consequently, where harm has been identified this should be addressed by the decision-maker in the planning balance, as per policy requirements set out in Paragraphs 212 & 215 of the National Planning Policy Framework (revised 12 December 2024), in order that Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy LD1 & LD4 of the Herefordshire Core Strategy can be satisfied.

Please note advised heritage conditions referred to in comments below are being compiled for submission with the Schedule of Updates.

Heritage Background:

Shire Hall is a Grade II* listed building of exceptional civic value to Herefordshire, and is situated in a commanding and prominent position on the eastern side of St. Peter's Square, within the Hereford Central Conservation Area.

Opened in 1817, it housed two Courts of Justice (Crown Court & Nisi Prius Court), associated detention cells and administrative rooms, alongside a public assembly hall, and a County Depot for Arms & Accoutrements.

Funding for its construction was raised following a special Act of Parliament in 1815, and architect Sir Robert Smirke R.A. (British Museum; Eastnor Castle) was commissioned to design the building, having completed a similar commission at Gloucester Shire Hall in 1814-15, with Charles Heather appointed Clerk of Works to oversee its construction.

The building has been subject to several phases alteration throughout its history, with the most extensive changes having been undertaken in 1862, in accordance with designs by William Chick, which included the enlargement of the assembly hall to accommodate a new stage area for an orchestra and a music library; and in 1928, in accordance with designs by R.B. Brierley, which included the addition of a single-storey extension on the northern side of the building to provide Committee and Member's Rooms, kitchen facilities, and gents and ladies lavatories, all of which remain today.

In addition to these major changes, there have been numerous other works of alteration and adaption which have taken place, some of which may also have taken place during the 1862/1928 phases of works, but for which documentation no longer remains; these include aspects such as the replacement of the assembly room ceiling for example.

The Shire Hall's significance relates to its evidential, historical (illustrative & associative), aesthetic (designed & architectural), and communal (social & commemorative) values, each of which influence to some degree its substantial contribution to the special interest, character and appearance of the conservation area.

Heritage Comments:

Given the broad scope of the proposals, which include the introduction of new fabric and services in addition to the renovation, refurbishment, and repair of existing ones, the following comments are broken down into specific aspects of works.

Main Entrance Access:

Given the simplicity and symmetry of the Hall's classical west front, introducing any form of compliant access inevitably presents design challenges when those specific aspects of the building's special interest are taken into account.

However, it is considered the amended approach as illustrated in drawing no. 2142-6004 Rev. G, whereby the form of the historic portico steps is extended southwards to provide a discreet but DDA compliant access route, manages to successfully preserve the simplicity of the frontage whilst modestly altering its symmetry through the introduction of a simple, free-standing, metal handrail.

Removal of the existing access installations to the northern and southern sides of the portico are seen as positive beneficial interventions. From a heritage perspective, it is considered sufficient to outweigh the modest impact identified and associated with the proposed access treatment.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. 2142-8014 Rev. A.]

Main Entrance Lobby:

The existing entrance vestibule was not part of the original 1817 design, and although it is historic, its exact date of introduction is unknown, but its fabric indicates a late-19th or early-20th century origin.

It is a component of heritage value which enables the morphology of the building to be understood and experienced; conversely, the proposed treatment will, to a small degree, better reveal Smirke's original intentions for this area, particularly in relation to the upper doors being re-revealed. From a heritage perspective, it is considered this represents a minor level of enhancement which is sufficient to neutralise the loss of the historic structure.

Fully detailed specifications and drawings can be provided by way conditions.

[see drawing no. 2142-8014 Rev. A]

Main Hallway Circulation:

The proposed alterations and additions to the hallway circulation areas associated with the library installation will have a neutral impact on the significance of the Hall given their freestanding and reversible nature.

Details relating to the fixing of digital display boards can be provided by way of condition.

Demolition of the existing Family Room, a harmful modern intervention which included the insertion of a window in the south elevation, will provide a significant heritage benefit as it will re-instate the southern side of the circulation space, and the corresponding section of south elevation, to its intended arrangement.

Likewise, the demolition of modern alterations on the northern side associated with the previous Crown Court function will also be beneficial, albeit it is accepted that some aspects of those later interventions will be retained for practical reasons.

[see drawing no.'s 2142-3000 Rev. C; 2142-4000 Rev. J; 2142-6004 Rev. G; Core Designs Hereford Library Atrium Plan]

Northern Circulation Area:

The staircase proposed for removal from the 1928 Brierley addition to the northern side of the Hall was inserted in 1963 as part of an extension to provide ground floor access to a new law library and interview rooms above the Committee Room.

Whilst that scheme has some minor evidential value in terms of the building's functional evolution, there is greater benefit in its removal as it will re-reveal Smirke's scheme at 1st floor/roof level, and return the Brierley scheme to its intended form at ground/roof level. From a heritage perspective, these benefits outweigh the loss.

Although siting the proposed accessible WC within the larger circulation area will result in an unfortunate sub-division of what was intended to be an open space under the 1928 scheme, it is considered the removal of what is the unsightly mechanical stair lift; and retention of the historic double-door arrangement to the main Hall, will offset the harm this proposed intervention would realise, and so, subject to detail on execution and materiality, this is supportable from a heritage perspective.

Finally, sub-dividing the existing kitchen (1928) to create a new circulation access/egress corridor is a reversible intervention which is considered to have a neutral impact on the space, and is supportable given the safety benefit that this will bring.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no.'s 2142-3000 Rev. C; 2142-4000 Rev. J]

Library Installation (Assembly Hall):

The evolved Creative Core library design illustrated in the amended drawing package presents a scheme which it is considered will preserve and enhance the significance of the assembly hall, whilst also maintaining a characteristic sense of openness and visual connectivity between floor and stage by tailoring the height of feature shelving units.

Historic ventilation wall units are retained, with book shelving designed to facilitate this; windows are retained and thermally upgraded; acoustic panels are removed from frieze level and the historic conductor's rostrum is incorporated into the stage access design, all of which realise positive heritage benefits.

As the installation of this scheme will require some degree of adaption, alteration and remedial work to historic fabric, conditions are recommended to enable the necessary detail and specification to be provided.

[It should be noted that the stage access design and the glazed entrance lobby design are those illustrated on Glazzard's drawing no. 2142-8000 Rev. B, and not those indicated on the Creative Core plans.]

Assembly Hall Ceiling:

As previously outlined, there have been several phases of alteration at the Shire Hall, with the most comprehensive on record being that undertaken in 1862 to extend what was termed at that time a Music Room.

Documentary evidence in the form of 19th century newspaper reports, fire insurance records and other written accounts give some indication of what these works entailed, but other than a description of the Music Room being 'lighted by three sunlights in the ceiling' there is no other direct reference in these documents to the ceiling being included in the works, nor are there any post-1940 planning records relating to the ceiling, and so it is not possible to definitively establish the existing ceiling's exact provenance through these channels.

Historic lithographs believed to be from the 1860's do illustrate the hall and its interior treatment pre-and-post alteration, and the ceiling is detailed as being coffered and sub-divided into 15 bays, with five circular features in the centre of each of the five central bays in both instances – as per the existing arrangement – but both pre and post illustrations are identical in each drawing, again suggesting there were no works to the ceiling involved in the 1862 phase.

References to ceiling 'sunlights' are intriguing, but these are not apparent in the lithographs and would presumably have required some form of connection to daylight through the roof void to function; although it is interesting to note that three of the existing decorative ceiling vents (as they are now described) have metal funnels connected to them, two of which terminate through the external roof cowls, but it has been presumed these were for ventilation rather than additional light, although they may have replaced earlier components associated with 'sunlights'; however, the view remains that the existing infrastructure relates to ventilation.

The submitted Ceiling Composition Report produced by specialist heritage plasterers S. Preece & Son, perhaps provides the greatest insight into the current ceiling's origins, in that it identifies an unreinforced gypsum/lime/sand mix having been employed for the flat ceiling panels, which departed from the more traditional haired lime mix normally utilised in the 19th century, and that this approach was more experimental in nature and consistent with a later phase of alteration where working times and costs may have been considered more critical than employing traditional practices; and so in terms of dating, this ceiling is more consistent with early-20th century working practices.

The Report does also identify the decorative cornicing, raised panel banding and circular ventilation terminals were executed in fibrous plasterwork which, subject to the recommendations of the Report, are capable of retention where removal or replication is not otherwise proposed.

Whilst there have been two approaches submitted in relation to the de-stratification system, which is necessary to ensure even distribution of heat and air movement, it is felt that the option which minimises the aesthetic impact on the ceiling will be the least harmful, accepting that both will result in some loss of historic fabric.

Option 1 [drawing no. 213002-M-A-401 Rev. K] would utilise the existing ceiling ventilation openings to enable the de-stratification system to function; however, in order to enable an air-tight connection to be achieved, and to ensure the necessary level and frequency of airflow does not cause longer-term fabric failure, the existing decorative latticework ventilation grilles and their surrounds will need to be removed.

The surrounds from three of these would be retained if this is achievable, otherwise, they would need to be precisely replicated in a composite material which could function safely under the relevant conditions, and then circular air diffusers (white) would be inserted into those openings; for the remaining two openings, and again where retention is not achievable, both the grilles and the surrounds would be precisely replicated in a composite material,.

This option will require the loss of historic fabric, including three of the latticework grilles, but will limit the visual impact of the new system to just three of the central openings.

Option 2 [drawing no. 213002-M-A-401 Rev. J] would still utilise three of the central ventilation openings, albeit with replica grilles for all five, but, more significantly, would also require the insertion of forty slot diffusers at the perimeter edges of the ten outer ceiling bays (four per bay).

On balance, and as both options will require the loss of the historic ceiling vents, it is felt that the aesthetic impact of the three circular diffusers proposed for Option 1 would be less than that of forty slot diffusers proposed for Option 2.

On the basis of these findings, it is considered the proposed works necessary to realise the de-stratification system will result in less than substantial harm to the significance of the Grade II* listed Hall, and this should be afforded a greater degree of great weight in the planning balance when set against any public benefits the scheme may realise. [Paragraphs 212 & 215, NPPF]

If consent is given for this aspect it would be advised that the historic ventilation grilles and surrounds be carefully removed and stored safely on site for potential re-use in the future should the use of the hall permit their reinstatement.

Various details will also be required to illustrate how the installation will be achieved, and these can be provided by way of conditions.

[see drawing no.'s 2142-8001 Rev. D; 213002-M-A-401 Rev. K]

Assembly Hall Floor:

From inspection of its underside, the existing sprung timber floor appears to be a modern insertion sitting directly atop earlier timber joists and beams from differing phases, albeit there are no planning records identified for its installation; as such, replacement of this floor surface with a timber flooring of matching form/quality could be supported as this would enable both the more efficient underfloor heating system, and the strengthening works necessary to accommodate the library function, to be installed without greater disruption to, and loss of, historic fabric. [This latter point is covered in comments on structural works below]

Although the underfloor heating will require a small increase in depth to accommodate, resulting in the floor level needing to be raised marginally, there is a c.30mm timber fillet which runs around the hall and it is considered this depth is sufficient to ensure the raised flooring will not impact unduly on the historic skirting boards and door surrounds etc.

Revision to the structural support approach originally proposed – illustrated in drawing no. SHL-BML-XX-00-DR-S-0119 P.07 - has resulted in a less invasive scheme which will retain a greater degree of historic fabric.

So subject to details on installation and replacement flooring materials, which can be covered by conditions, these interventions are supportable from a heritage perspective as they will have a neutral impact on the significance of the Hall given the degree of retention and position of steelwork within the ceiling void.

[see drawing no. SHL-BML-XX-00-DR-S-0119 P.07]

Assembly Hall Lobby:

Justification presented for an entrance lobby to the new library is acknowledged, and the amended design now proposed, and illustrated on drawing no. 2142-8013 & 8000 Rev. B, addresses previous heritage concerns over its scale and form negatively contrasting with the aesthetic and proportional characteristics of the original architectural scheme.

Siting the new structure within the space between the full-height pilasters and timber door architrave will mirror the vertical proportions of this original entrance arrangement as closely as possible, and will be a wholly reversible addition which will preserve the existing fabric.

This element can now be supported from a heritage perspective, subject to relevant conditions relating to attachment and door restraint.

As this intervention will alter how the assembly hall and its intended architectural scheme is experienced it cannot be considered to preserve or enhance significance, nor will it be neutral for the same reasons, and so it will result in less than substantial harm to the significance of the Grade II* listed Hall, which should be afforded a greater degree of great weight in the planning balance when set against any public benefits the scheme may realise [Paragraphs 212 & 215, NPPF]

Learning Centre (Undercroft):

It is considered the Creative Core learning centre design preserves the significance of the undercroft as it only proposes the alteration of modern elements and fabric, thus maintaining its original cellular form and associated historic fabric, both of which are its primary aspects of significance.

Fully detailed specifications and drawings can be provided by way of conditions.

Undercroft Canopy:

Whilst the entrance to the undercroft on the western side of the south elevation was not part of the original 1817 scheme its presence appears on historic mapping from the 1850s onwards, indicating that the original window in this position had been adapted, and this is consistent with the opening's relative narrowness and the simplicity of the brick lintel which mirrors that of the original windows adjacent.

As with the proposed assembly hall lobby, the amended external canopy design now presents a form more in keeping with the architectural proportions of both the doorway and the wider elevation, and whilst the superseded design included bicycle locking facilities, these partly necessitated the disproportionately wide canopy.

The site currently benefits from sheltered bicycle locking facilities for bicycles to the east of the Hall within the car park for the Hall, and this could feasibly be extended to increase capacity.

On the basis of the reduction in scale, the amended canopy design can be supported as it will preserve the significance of the Hall and provide practical benefit to service users.

Conditions regarding its attachment to the historic masonry would be advised.

Court Room 1:

Following the failure of the historic ceiling within the Crown Court, the proposed re-instatement and repair works to plasterwork and court furniture etc. are welcomed, and will realise a significant degree of heritage benefit as a consequence.

Fully detailed reports and specifications of all re-instatement and repair elements will be required, alongside details of specialist, conservation accredited, contractors to be engaged to execute these works; all of which can be provided by way of conditions.

Court Room 2:

Given the ceiling failure in Court Room 1, a mid-20th century decorative suspended ceiling within Court Room 2 was removed as emergency works in order that the original lath & plaster ceiling above could be propped and supported to enable a thorough inspection of its integrity, and for emergency structural strengthening works within the roof void to be executed.

The results of the specialist inspection confirm the ceiling can be retained and repaired, and this will realise a significant heritage benefit.

As the works previously undertaken to introduce the suspended ceiling resulted in damage to the historic lath & plaster ceiling, it is felt that, subject to its installation being achievable within the physical/dimensional parameters of the areas proposed, a new heating system could be introduced without resulting in an unacceptable loss of fabric, and with limited aesthetic impact if appropriately specified.

Fully detailed specifications for all of the ceiling repairs will be required, alongside details of the specialist, conservation accredited, contractor to be engaged to execute these works; all of which can be provided by way of conditions.

And as the heating/de-stratification installations are intimately linked to the ceiling repairs, fully detailed M&E specifications/drawings for that installation will also be required by condition.

On that point, new grilles to be installed below plenum boxes within the roof void will need to be as visually inconspicuous as possible given the historic nature of the ceiling, and unfortunately

the egg crate grilles indicated on drawing no. 213002-M-A-4GF Rev. G would not meet this requirement.

A grille design which matched that of the air diffusers at the opposite end of the ceiling, as detailed and illustrated on drawing no. 231002-M-A-401 Rev. K (EMAir SALA), would at least ensure visual continuity between these new insertions.

From a heritage perspective, and again, subject to appropriate specification, it is considered the aesthetic impact of the proposed installation would be outweighed by the benefit of re-revealing and repairing the original ceiling.

External Works:

The requirement to address areas of fabric deterioration is acknowledged, and whilst the annotated remedial works illustrated on drawing no.'s 2142-6003 Rev. G; 2142-6004 Rev. G; 2142-6005 Rev. G, are supportable in broad principle, they require more detailed assessment and specification to ensure they are sufficiently targeted and preserve the significance and appearance of the fabric concerned.

This is already reflected in some of the annotations within those drawings, which state specialist specifications are required, or are to be confirmed by the Architect; and in colour-coded notes where further works are potentially required subject to detailed inspection, and where wide ranging repair area percentages are indicated (20%-80%).

It also applies to the findings and recommendations outlined in the MACE condition survey report.

In order to address this, conditions are advised to enable the necessary level of appraisal, inspection and detail to be undertaken and provided for agreement.

New parking bollards should be cast-iron, in line with the historic porte cochere and lamp stand and railings etc., and of an appropriate design for that context; this aspect can be covered by condition.

[see drawing no.'s 2142-6003 Rev. G; 2142-6004 Rev. G; 2142-6005 Rev. G; 2142-1001 Rev. F]

Schedule of Works:

Notwithstanding the details provided on drawing no.'s 2142-2000 Rev. B; 2142-2401 Rev. B, and in amended Room Data Sheets, a comprehensive Schedule of Works relating to all areas can be provided by way of condition.

Structural Works:

Assembly Hall Roof Strengthening Works:

The existing timber roof structure appears to be the original one, as it was partly adapted when the apsidal Music Room extension was added in 1862.

As a consequence, its retention is welcomed, and although the proposed strengthening scheme includes a substantial amount of steelwork, this will enable the historic timberwork to be saved, with steelwork connected around rather than through those timber components where possible, whilst also independently supporting the load of the M&E equipment necessary for the new library use.

On this basis, and given the specific context of this roof space, the proposed works will have a neutral impact on the significance of the Hall.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0116 P06]

Assembly Hall Floor Strengthening Works:

[see Assembly Hall Floor comments above, and drawing no. SHL-BML-XX-00-DR-S-0119 P.07]

Undercroft Floor Remedial Works:

The floor surfaces within the undercroft identified for replacement are modern, and the proposed treatments will consequently have a neutral impact on the significance of the Hall.

[see drawing no. SHL-BML-XX-00-DR-S-0117 P05]

Court 1 Roof Strengthening Works:

The proposed works represent a supportable approach in order to ensure the roof structure's continued integrity, and the methods proposed will enable the earlier structure to remain readable.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0114 P05]

Court 2 Roof Strengthening Works:

The proposed works represent a supportable approach in order to ensure the roof structure's continued integrity, and the methods proposed will enable the earlier structure to remain readable.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0115 P05]

Low Level Flat Roof Strengthening Works:

The proposed works represent a supportable approach in order to ensure the roof structure's continued integrity, and the methods proposed will enable the earlier structure to remain readable.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0111 P04]

PV Panels:

Views towards this flat roof space will be limited to upper floors of surrounding buildings, and so the impact of the proposed panels will be limited.

However, they will be visible, and are not traditional features associated with 19th century buildings, and so their installation will result in less than substantial harm to the significance the Grade II* listed Hall, which should be afforded a greater degree of great weight in the planning

balance when set against any public benefits the scheme may realise [Paragraphs 212 & 215, NPPF]

Should this aspect gain approval fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0103 P04]

M&E Roof Plant:

As this section of roofing is not visible from surrounding public viewpoints the positioning of the M&E equipment and its associated gantry structures, is supportable, and will have a neutral impact on the significance of the Hall.

Fully detailed specifications and drawings can be provided by way of conditions.

It should be noted that the existing roof lantern adjacent to the proposed gantry location is original to the Hall's construction, and is to be retained and repaired, which is contrary to the details included on the proposed drawing [see Item R05 on drawing no. SHL-BML-XX-00-DR-S-0103 P04]

[see drawing no. SHL-BML-XX-00-DR-S-0110 P04]

Dormer Enlargements:

Whilst the existing roof dormers in Court Rooms 1 & 2 and the Assembly Hall appear to be later insertions not original to the Hall's construction, they have heritage value, and roof leadwork on that above Court Room 2 has historic graffiti dating from 1843.

The replacement of the dormers with wider dormers which facilitate better access to the roof spaces is supportable, but this is subject to the historic leadwork which contains the graffiti being re-used as part of the re-instated leadwork covering to Court Room 2.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no.'s SHL-BML-XX-00-DR-S-0114 & 115 P05]

New Roof Access Walkways:

This intervention will improve the arrangement of the access walkways and make access to the Assembly Hall roof space safer than it currently is without any additional undue impact.

Fully detailed specifications and drawings can be provided by way of conditions.

[see drawing no. SHL-BML-XX-00-DR-S-0103 P04]

Roof Replacement/Repairs:

Where roof repairs are required these can be handled by way of conditions to ensure a faithful outcome.

Fully detailed specifications and drawings can be provided by way of condition.

[see item R17 on drawing no. SHL-BML-XX-00-DR-S-0103 P04]

Structural Repairs:

[see previous comment on external works]

The latest structural report submission outlines a number of repair intervention approaches to external fabric which, by its own admission, require reviewing and surveying once scaffolding is in place.

To facilitate this, specific conditions will be advised to enable these aspects to be approved.

Basement Demolitions:

Electrical Services:

Although some of the electrical services contained behind wire mesh screening have some age they are not of sufficient value to warrant retention, and so there is no objection to their removal as proposed.

Details of making good to exposed surfaces can be provided by way of condition.

[see X0.02 as indicated on Drawing no. 2142-2104 Rev. F]

Detention Cell W.C.:

This WC is associated with the modern refurbishment of the cells undertaken by the Prison Service, consequently, it has no heritage value.

Details of making good to exposed surfaces can be provided by way of condition.

[see X0.06 as indicated on Drawing no. 2142-2104 Rev. F]

New Services & Ducting Openings:

It is acknowledged that a number of new internal openings through historic brickwork are necessary to accommodate new and updated services, and whilst this will be invasive the number and proposed dimensions will not unduly impact on the significance of the fabric or understanding of the basement areas historic layout.

[see X0.03 & 0.04 as indicated on Drawing no. 2142-2104 Rev. F]

New Ventilation Openings:

As with the new services and ductwork openings, it is acknowledged that a new opening in the external elevation, and replacement of an existing timber door, will be required to facilitate the new services.

In the case of the former, a cast-iron grille would be the most appropriate, and would replicate the existing historic wall vent grilles on a larger scale; and a similar grille within the door hatch opening may make more practical sense over louvres given its exposed position. This would apply to all other external penetrations for venting.

These details can be provided by way of conditions.

[see X0.05 & 0.07 as indicated on Drawing no. 2142-2104 Rev. F; 213002-M-A-4B1 Rev. H]

Ground Floor Demolitions:

Accessible Stairlift:

Removal of the modern stairlift and associated stone and glazed screening is supportable as this will benefit the appearance of the Hall's primary façade.

Details of making good to historic surfaces can be provided by way of condition.

[see X0.01 & 0.15 as indicated on Drawing no. 2142-2100 Rev. H]

Court Services Family Room:

[See Main Hallway Circulation comments above]

Demolition of the former Court Services Family Room situated in the south-eastern corner of the Hall can be supported from a heritage perspective as these works date from 1970 and detract from how the original public entrance vestibule to the Nisi Prius Court is understood and experienced.

The proposed retention of this area as a circulation space will largely maintain that historic arrangement, and, in combination with infilling the window opening inserted into the south elevation as part of those works, will realise significant heritage benefit as a consequence.

[see X0.04 as indicated on Drawing no. 2142-2100 Rev. H]

Court Services Detention/Interview Facilities:

[See Main Hallway Circulation comments above]

Demolition of the former detention cell, interview rooms, north-westernmost toilet block, and associated infill partitioning can be supported from a heritage perspective as these works date from 1963 and detract from how the original public entrance vestibule to the Crown Court is understood and experienced.

The proposed retention of this area as an interpretative space will largely maintain that historic arrangement, and realise significant heritage benefit as a consequence.

[see X0.03, 0.04, 0.05 & 0.017 as indicated on Drawing no. 2142-2100 Rev. H]

Rooflights:

Removal of security bars and associated screening from historic rooflights is supportable as these are modern additions which have no heritage value.

[see X0.16 as indicated on Drawing no. 2142-2100 Rev. H]

Undercroft Partitions:

The partitions proposed for demolition are modern insertions and their removal will not impact on the original plan form of the undercroft, nor any historic fabric.

[see X0.13 & 0.14 as indicated on Drawing no. 2142-2100 Rev. H]

Access Ramp and Fire Exit Structure:

The exact date of these structures origins are unknown, but they pre-date the 1928 Brierley phase and are not illustrated on the 1904 25 inch Ordnance Survey mapping of Hereford, but are present on the 1929 edition; and so they are of some historic value as they evidence the type of response taken to fire safety in a public building at that time.

The cast iron ramp section was originally open-framed, but was infilled in 2015 (LBC141207) to create service space.

Demolition will result in complete loss of these components, but it is considered the safety hazards associated with the ramp, alongside the constrained proportions of the existing structure, and the recognised need for modern standards of fire safety egress, will, from a heritage perspective, outweigh this loss if the re-constructed structure is sufficiently faithful to the historic one in its polychromatic brickwork detailing and coping materiality.

This is illustrated and annotated on drawing no. 2142-6003 Rev. G, but a condition will be advised to enable provision of the necessary details.

Whilst the installation of a security cage was approved in the 1950s the current structure seems to be a later replacement as a Swiftplan office building was formerly sited within the yard area and its demolition was only approved in 1995; the existing cage has no heritage value and its removal will be beneficial to how the 1928 Brierley extension is experienced.

As loss of the historic fire exit structure is permanent it cannot be considered to preserve or enhance significance, nor will it be neutral for the same reasons, and so it will result in less than substantial harm to the significance of the Grade II* listed Hall, which should be afforded a greater degree of great weight in the planning balance when set against any public benefits the scheme may realise [Paragraphs 212 & 215, NPPF]

However, the removal of the ramp and vehicle cage represent positive interventions as both will better reveal the Smirke & Brierley schemes, and these benefits should also be included in the planning balance.

[see X0.09, 0.10, 0.11 & 0.12 as indicated on Drawing no. 2142-2100 Rev. H; and X0.25 & 1.04 on Drawing no. 2142-2101 Rev. G]

1st Floor Demolitions:

Fire Exit Lobby:

[See comments ref Fire Exit Structure above]

The existing fire exit doors and associated ironmongery are historic and contemporary with the construction of the ramp c.1904-1927, and so their loss will result in some harm to the significance of the assembly hall.

However, it is recognised that in order to be compliant they cannot be retained and modified, and so their removal, whilst regrettable, can be supported from a heritage perspective, subject to replacement doors which faithfully replicate the design characteristics of the historic doors, which will limit the degree of aesthetic impact.

Fully detailed specification and drawings can be provided by way of conditions.

[see X1.04 as indicated on Drawing no. 2142-2101 Rev. G]

Assembly Hall Stage:

The section of stage proposed to be removed is a modern addition which currently obscures the historic stage, and its removal, alongside the re-instatement of the historic conductor's rostrum into the proposed stage access design, will realise significant heritage benefit, and can be supported on that basis.

The uppermost tier of bench seating at the top of the stage is also a modern addition, and not illustrated on section drawings for the 1862 extension scheme, and so their removal will be a positive intervention.

This also applies to the hardboard facing applied to the seating levels, and its removal can also be supported.

Fully detailed specifications and drawings for all of these removal/repair works can be provided by way of conditions.

[see X1.06, 1.07, 1.13 as indicated on Drawing no. 2142-2101 Rev. G]

Assembly Hall Radiators:

Existing cast-iron radiators are late-19th century in origin, and whilst their removal to realise the new library installation will alter the character of the hall, from a heritage perspective it is felt this intervention is neutralised by the positive benefits other works to reveal hidden historic fabric will realise.

As indicated, their re-use elsewhere within the building is welcomed.

[see X1.05 as indicated on Drawing no. 2142-2101 Rev. G]

Partition Wall Removal:

The introduction of offices into this upper level of the Hall was a later intervention and seemingly not part of Smirke's original scheme; although their exact date of construction is currently unknown.

Nevertheless, the partitions identified for removal are late-20th century and so their loss will be a neutral intervention.

[see X1.12 as indicated on Drawing no. 2142-2101 Rev. G]

Demolition of 1st Floor Structure:

As outlined in the Northern Circulation Area comments above, this structure was constructed in 1963 to provide a Law Library and interview rooms, and as such, does not have sufficient heritage value to merit retention or adaption.

Its removal will enable the Smirke and Brierley schemes to re-establish their primacy, particularly in views of the Hall complex afforded from Gaol Street.

This intervention will have a positively beneficial impact on significance of the Hall.

[see X1.11 as indicated on Drawing no. 2142-2101 Rev. G]

Window Replacement:

As part of the 1963 application, a toilet block extension was also approved opposite the proposed Law Library, and it is the windows within this block which are identified for replacement.

Subject to the replacement window specification and materiality being appropriate for the character of this later extension this aspect will have a neutral impact on the Hall's significance.

Window schedule details can be provided by way of condition.

[see X1.09 as indicated on Drawing no. 2142-2101 Rev. G]

Rooflight Repairs:

Subject to the findings of further investigation necessary to establish current condition and provenance, the repair works detailed can be supported in principle, and will be neutral to the Hall's significance.

Details of inspection results, and fully detailed specifications and drawings of repairs, can be provided by way of conditions.

[see X1.02 as indicated on Drawing no. 2142-2101 Rev. G]

Roof Lantern Repairs:

The two roof lanterns lighting the circulation space within the Brierley extension of 1928 are contemporary to its construction, although the pitched glazing elements sitting atop the vertical glazed sides are modern replacements.

Retention and repair of the vertical framework and ironmongery will be positively beneficial, and replacement of the pitched glazing with new glazing as indicated, is supportable and will be a neutral intervention.

Fully detailed specification and drawings can be provided by way of conditions.

[see X1.03 as indicated on Drawing no. 2142-2101 Rev. G]

Parapet Coping Repair:

Subject to the replacement coping stone matching the original adjacent in terms of dimensions, detailed appearance, texture and colour, this intervention can be supported and will have a neutral impact on the significance of the Hall.

[see X1.01 as indicated on Drawing no. 2142-2101 Rev. G]

Electrical & Lighting:

The proposed Lighting Layout; Small Power Layout; Security Layout; Voice & Data Layout are supportable in principle, but details of how – were existing is not being all of these elements will be installed within areas with sensitive historic fabric, such as Court Rooms 1 & 2, and, more generally, how any new wiring will be run to the relevant points, and how new lights will be attached etc. needs to be provided.

Within Court Room 2 the historic lath & plaster ceiling will not enable recessed emergency lighting to be installed, and so an alternative approach will be required; it may be that frog-eye lighting – as currently exists – is a less invasive solution.

Fully detailed specification and drawings can be provided by way of conditions.

[drawing no.'s 213002-E-E-4B1-L Rev. C; 4B1-P Rev. C; 4B1-S Rev. D; 4B1-VD Rev. C; 4GF-L Rev. D; 4GF-P Rev. E; 4GF-S Rev. D; 4GF-VD Rev. D; 4RF Rev. B; 401-P Rev. C; 401-S Rev. D; 401-VD Rev. C]

Heating:

Retention and re-use of existing radiators as indicated on drawing no. 213002-M-A-6GF1 Rev. C is welcomed, and has positive benefit where these have historic value.

Water & Drainage:

Works to water and drainage services as proposed are supportable as they primarily retain existing arrangements, and where new services are required they will not impact on significance.

[see drawing no.'s 213002-M-PH-4B1-D Rev. C; 4B1-W Rev. C; 4GF-D Rev. c; 4GF-W Rev. C; 401-D Rev. C; 401-W Rev. C]

Fire Engineering Works:

Installation of de-stratification fans as proposed will impact on the character of the relevant spaces and so their positioning needs careful consideration whilst recognising they have a specific function to perform.

Final positions can be agreed via condition.

Notwithstanding the information on drawing no. 213002-M-A-4B1 Rev. H, additional conditions will be required to agree fire engineering works at ground floor, 1st floor and roof levels, which do not appear to be included in the submitted documentation.

[see drawing no. 213002-M-A-4B1 Rev. H]

Builders Works:

Requirements for new openings to facilitate routing of new services, and access areas to achieve these, is acknowledged, so details of how these will be executed, or of any specific designs/materials needed to ensure the special character and appearance of the Hall is preserved, can be provided via conditions.

Reference to secondary glazing within the assembly hall on drawing no. 213002-M-BW-401-BW Rev. B is no longer relevant as existing glazing within the historic framing is being upgraded.

Treatment of insulation within the roof space above the assembly hall stage needs to be fully detailed given the presence of the glazed oculus and historic stage fabric concealed above it.

Sealing of existing window cill vents will need specific detailing as consideration needs to be given to ventilating the wall fabric, as was historically intended, to prevent deterioration.

Historic roof ventilation cowls on the assembly hall are to be retained and re-used as part of the refurbishment, and not replaced as indicated on drawing no. 213002-M-BW-401-BW Rev. B.

Details of how the pipework routing from the AHU plant on the main roof will be achieved can be provided by way of condition.

[see drawing no.'s 213002-M-BW-4B1-BW Rev. B; 4GF-BW Rev. B; 401-BW Rev. B; 4RF-BW Rev. B]

Damp Remedial Works:

Whilst the findings set out in the submitted Rudders & Paynes report are acknowledged, more in-depth assessment of damp related fabric deterioration is required.

Consequently, this aspect of the scheme is not being determined at this stage, but can be covered by condition."

4.5 Archaeological Advisor – No objections; conditions recommended:

"n.b. As would be normal here, my comments are confined to archaeological matters as commonly understood – i.e. the potential for impact upon below ground remains of interest. I defer to colleagues as regards any issues relating to the extant building, or the historic environment more generally.

Approve with Conditions ☐ (Please list below any conditions you wish to impose on this permission.)

Standard archaeological 'survey and record' condition C48

Informative I01 – Hereford Area of Archaeological Importance

The Shire Hall is located at the heart of the designated Hereford Area of Archaeological Importance or 'AAI'. As well as having foundations etc. directly linked to its construction, the Shire Hall both overlies and cuts through earlier archaeological remains. Most significantly, but not exclusively, those earlier remains comprise various high value deposits and features of medieval / early medieval date.

It is clear that the proposal will involve a number of ground-disturbing operations likely to impact upon this below ground resource. However, it is also evident that this disturbance will be limited in absolute terms, and certainly as a proportion of the whole scheme. Any resulting harms can be appropriately mitigated in this case by suitable archaeological recording and reporting.

Accordingly, I view the proposal as being broadly compliant with local and national policy, and have no objections. Paragraph 211 of the NPPF applies, requiring inter alia the recording of any remains to be lost, and suitable public dissemination of that record."

4.6 Environmental Health Technical Officer (Noise & Nuisance) – No response received to date

4.7 Ecologist – No objections; conditions recommended:

"The above planning application was assessed for ecological constraints along with the submitted Bat Surveys and Protected Species Walk-Over Survey Updated 2024 report (Udall-Martin Associates Ltd).

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

The site is within the 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 on any planning application submitted. As agreed with Natural England where 'commercial' applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows all nutrient pathways can be considered as accommodated with associated residential occupation of staff and customers. No other effects are identified. This

application can be considered as screened out from triggering any further Habitat Regulations Assessment process.

From information supplied and available to the LPA this 'exemption' would be applicable in respect of this current application and the River Wye SAC.

Ecology

Bats

The complimentary updated Bat Survey and Protected Species Walk-Over Survey 2024 report confirmed the presence of day-time bat roosts of low numbers of common pipistrelle currently within the building proposed for renovation, repair and refurbishment works. This was confirmed through emergence surveys and droppings located within the building during surveys carried out in 2021, 2023 and 2024.

As confirmed in the report by Udall-Martin Associates Ltd 2024, a European Protected Species Mitigation License from Natural England will be required for the proposed building works affecting the bat roosts. Compensation recommendations and enhancement recommendations were made within the report and should be included within a Mitigation Method Statement written by an experienced bat ecologist which would be accompanied by a submitted license.

Ecological Protection (including Protected Species)

The recommendations in the ecology report by Udall-Martin Associates Ltd in respect of ecological interests on the site including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England is to be obtained prior to any works commencing on site, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Within three months of receiving any protected species licence(s) from Natural England, a copy of the issued licence shall be submitted to, and acknowledged in writing by the planning authority.

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

Species (Biodiversity) Net Gain

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. These are in addition to any mitigation secured in respect of bats or required as part of any species licence issued by Natural England. To secure these enhancements a relevant Condition is suggested:

To obtain Species (Biodiversity) Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of TEN bird nesting boxes and FOUR bat roosting boxes (or similar features) as recommended in the ecology report by Udall-Martin Associates Ltd, 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. Habitat boxes must not be installed in Ash Trees due to endemic 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; Climate Change & Ecological Emergency.

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 is advised that advice from a local professional ecology consultant is obtained."

4.8 Area Engineer Team Leader – No objections; conditions recommended

"The Local Highway Authority has reviewed the proposed external and internal works for the refurbishment of Shire Hall and installation of the new library. Given the minimal nature of the external alterations, we acknowledge that the works will have limited impact on public thoroughfares. However, as minor demolition work is proposed to reduce visual clutter, we will require a Construction Management Plan to ensure that any potential disruption to nearby footways is carefully managed and minimised.

The introduction of a new public entrance to the Learning Centre via an existing doorway at the rear of the site, along with the proposed canopy installation, presents no highway concerns. The canopy is designed to provide weather protection and accommodate cycle parking, which is commendable for promoting sustainable transport. It is noted that there is adequate space for secure cycle storage without impeding access to the building. We advise that the applicant incorporates secure cycle parking facilities, and a condition to this effect will be applied. In summary, provided the Construction Management Plan is submitted and addresses potential pedestrian disruption, the Local Highway Authority has no objections to the proposed works.

- CB2 – Secure covered cycle parking provision
- CAT – Construction Management Plan

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

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>"

4.9 Land Drainage Engineer – No objections

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

- Application for Council Development Reg 3;
- Location Plan (Ref: 2142 1002A);
- Site Plan Existing (Ref: 2142 1000D);
- Site Plan Proposed (Ref: 2142 1001E);
- Drainage Plan 11.11.2024 (Ref: 0500 P04);

- Covering Letter;
- Design & Access Statement;
- Email exchange with Architect RE Drainage 11.11.2024.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), November 2024



Overview of the Proposal

The Applicant proposes the renovation, repair and refurbishment of the Shire Hall. The site covers an area of approx. 0.56ha. The River Wye flows approx. 365m to the southwest of the site. Eign Brook flows approx. 475m to the northeast of the site. The topography of the site appears to be relatively flat.

Flood Risk

Fluvial Flood Risk

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

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

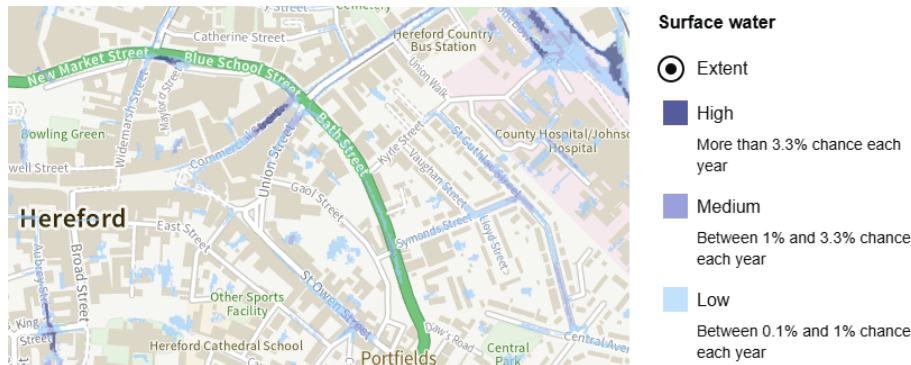
	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

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

Surface Water Flood Risk

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

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

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

Surface Water Drainage

We note that there will be no increase in impermeable site area as part of the proposed development; some existing structures are to be demolished, and existing impermeable areas to be removed and replaced with soft landscaping, to allow for some small extensions as part of the renovation works. The surface water runoff from the existing buildings currently discharges to the nearby Welsh Water public combined sewer. We understand that any new extensions will connect to the existing system.

Welsh Water have confirmed in their response dated 13th November 2024 that 'no surface water from any increase in the roof area of the building/impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system'. As no increase in impermeable site area is proposed, the existing arrangements are acceptable.

Foul Water Drainage

Should any additional foul water facilities be proposed as part of the proposed refurbishment, we understand that these will connect to the existing foul water drainage system comprising a discharge to the Welsh Water public combined sewer. Welsh Water have raised no objections to this arrangement.

Overall Comment

NO OBJECTION - Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development."

5. Representations

5.1 Hereford City Council – Qualified Comment

“Hereford City Council considered applications 242506 and 242507 at their Council meeting of 26 November 2024 and have the following comments:

- Members would like to see the glazed canopy repaired not replaced
- Clarification is sought on the landscaping around the building, especially at the front, including details of Phase 1, the pedestrianisation of the front and Phase 3, the external seating, as well as the levels of cycle parking
- Consideration should be given to pedestrian access from the surrounding streets, especially Gaol Street where there are currently no pavements in areas
- Members support the installation of an easy movement door on the internal glazed porch, such as a revolving or horizontally sliding door, and do not support heavy glass swing doors
- Suspended ceilings should not be added to those basement rooms that won't be accessible to the public, e.g. plant or store rooms”

The proposal due to it affecting a listed building and being located in a conservation area has been advertised in the local press (Hereford Times), as well as numerous site notices displayed around the application site over 2 consultations. In addition, statutory consultees have been consulted.

5.2 Two other representations have been received to date, both submitted on behalf of Hereford Civic Society, whom object to the applications. These representations are repeated verbatim for reference:

1st representation 27 November 2024

“Hereford Civic Society has considered the application for repair and adaptation of the Grade II* listed Shire Hall, Herefordshire's most important civic building. The proposed scheme recognises the significance of the building and broadly respects it. The principle for its reuse for public access and benefit is one the Society warmly supports. Important spaces with their fittings, such as survive in Courtroom 1, will be repaired and retained and this is appreciated.

Our representation therefore relates mainly to matters of detail:

Landscaping

We would urge Herefordshire Council to improve the landscaping immediately adjacent to the Shire Hall. At present this is dominated by resin surfacing and impermeable asphalt affording roadways and car parking on every side. This adversely affects natural drainage and the evident qualities of the building itself. This is particularly regrettable at the front since the car parking has the effect of divorcing the Shire Hall from St Peters Square and its natural setting and approach from the City Centre as well as creating points of conflict with pedestrians. While we note the introduction of a little planting on the S side of the Assembly Hall (the historic wall-trained pear trees here are a notable feature which should be restored), we would strongly encourage a more sympathetic landscaping scheme to come forward which uses simple natural paving materials and allows for in ground planting and seating. We note that Historic England has offered to advise and this should be taken up by Herefordshire Council. The space immediately in front of the Shire Hall should not be cluttered by motor vehicles or planters at any time, other than exceptionally by emergency services.

Access Ramp

The Society has significant concerns about the design of the access ramp proposed to the south of the front entrance. This would be a narrow structure wrapping around the SW corner of the building with an awkward 90 degree bend mid-way and terminating immediately in front of one of

the which makes little effort to integrate with the form of the existing building. Our suggestion is that the ramp needs to become part of the front forecourt landscaping, an object of beauty as much as it is of utility so that it becomes a choice to use by able and disabled people alike. It should not seem to apologise for itself or emphasise an apartheid of physical ability, as the present proposal does. The ramp therefore takes centre stage, offering a gradual ascent in stone almost from the Cornwall statue, arriving between the two central columns. In other words it acts to reinforce the connection between the Shire Hall and St Peter's Square with its monument, one which will need to be addressed when improvements are made to its public realm.

Bollards

Pastiche 'cast iron effect' (ie plastic) bollards should not be used within the curtilage of the listed building. Fixed bollards may be timber (oak) or indeed cast iron. Moveable ones may be steel and it is recommended a match for existing ones at Widemarsh Street or Castle Street which retract.

Library Entrance

While we have no objection to the introduction of a glazed internal porch and doors to the proposed library, we are concerned that the doors are to be pivoted into the visitor just as he/she has ascended the stairs. We would prefer horizontal sliding doors, assuming they are to be automatic. If they are not to be automatic but require manual operation or a manual option in the event of fire and power outage, a revolving door here would be the neat solution.

Main Entrance

A similar glazed internal porch is proposed for the main entrance and this also is shown in Glazzard's application drawings as being hinged outwards into the face of the visitor arriving up the portico steps, potentially alarming as these would be automatic. Here space may not allow for horizontal sliding doors, so a revolving door could be the option subject to disability access compliance.

Cycle Parking

Five Sheffield stands allowing for a maximum of ten cycles are proposed for the new glazed canopy at the S side entrance to the Learning Centre. These would be wholly insufficient, although it is appreciated they would be under cover. We should be encouraging far more people to arrive by cycle than this (and discouraging them from arriving by private car). The Design and Access Statement makes mention of cycle stands for St Peters Church and those outside Sunderlands in St Peters Square, but these are outside the application site boundary and may not be included in the figure for cycle provision. It is not clear from the application whether the existing small provision at the far E side of the car park site will be upgraded – one assumes not.

Existing glazed canopy.

We would object to the replacement of the existing glazed canopy or porte cochere. This is a late Victorian or Edwardian feature of historic interest. Listed building consent was been obtained for the repair of this structure (see P202386/L) in 2020 and it remains that this is the correct approach to take.

Lath and Plaster Ceilings

It is noticed that lath and plaster ceilings are proposed for restoration in historic areas, chiefly courtroom 1. This is admirable but while not strictly a planning matter, it should be remembered that a recently renewed lath and plaster ceiling came down in one of the members' rooms about four years ago and narrowly missed Cllr Phillips. The ceiling had not been specified or installed correctly so it is most important renewed ceilings are specified and constructed by conservation architects and builders.

Suspended ceilings

Many of the new ceilings are suspended and constructed using mineral ceiling tiles. This is fine in public areas as a means of covering ugly service M&E ducting, e.g. in the basement education spaces. However in storage, plant and other spaces not used by the public there seems no need

to do this. Suspended ceilings destroy the proportions of a room and when very low can make them feel oppressively cramped. They also make maintenance of services more difficult and for cost reasons they may be omitted where not strictly required.

Drainage

We would have concerns about the introduction of modern galvanised steel or plastic covered ACO channel drains within the curtilage of the listed building as is proposed on the south side of the Shire Hall. Traditional storm drains with cast iron grates would be more acceptable in heritage terms. While we note from the e-mail from Glazzards of 11th November that the area of impermeable hard surfacing round the Shirehall will not be increased; equally there is no real undertaking to decrease it in the interest of improving natural drainage and this should be addressed by reference to our comments on landscaping”.

2nd representation 30 December 2024

“Thank you for your letter of 23rd December 2024 advising us of the submission of a number of additional and amended plans relating to the above application. These have been reviewed in the light of the comments we made in our letter of 27th November and are addressed using the same headings:

Landscaping and car parking

Our objection is sustained. Our comments relating to landscaping have not been addressed. A very small amount of shrub planting had been proposed around the new entrance on the S side and it is noticed that in the amended plans, much of this has gone in favour of tarmac. We consider that the predominance of hard surfacing round the Shire Hall, which both impedes natural drainage and adversely affects the setting of the listed building, to be unfortunate. We do appreciate however that our objection to the use of the space immediately in front of the Shire Hall for 'public car parking' has been taken on board and that this will cease. However all car parking including that by staff and elected members in this space needs to cease in the interest of public safety and amenity. This should be conditioned in any consent for the scheme.

Access Ramp

The Society appreciates that its objection to the design of the access ramp has been addressed. The previously proposed scheme was for a narrow structure wrapping around the SW corner of the building with an awkward 90 degree bend mid-way. The amended design is much more satisfactory and acceptable to the Society although our preference would have been to have it at the front as part of the landscaping, rather than the side which unbalances the architectural composition somewhat. Natural stone should be used for this to match the existing. It should be laid carefully over the existing steps without direct fixing to them so that the ramp is fully reversible.

Bollards

The Society appreciates that its objection to the use of pastiche 'cast iron effect' bollards has been addressed and that genuine cast iron ones will now be used. Advice from the Conservation Officer should be sought as to their design in due course.

Library and Main Entrances

The Society appreciates that its objection to the form of glazed entrance porches to the Shire Hall and Library has been addressed. The amended scheme for doors which open both inwards and outwards is more satisfactory than the previous ones only opening outwards. We also appreciate that the porches have been reduced in size and this minimises their impact on the historic building.

Cycle Parking

The Society's objection is sustained. In the previous scheme we felt that the five Sheffield stands (allowing for a maximum of ten cycles) proposed for the new glazed canopy at the S side entrance to the Learning Centre was inadequate. At least these were covered but in the amended scheme this appears to have been reduced to just two new uncovered cycle standards and this is clearly

wholly insufficient, comparing very poorly with the provision outside the old library in Broad Street. (NB the Design and Access Statement revised on 18th Dec 2024 still refers to the cycle parking under the proposed new glazed canopy)

Existing glazed canopy.

It is not entirely clear that the existing glazed canopy, which is proposed to be taken down, will be replaced or returned following repair. Provided it is clear that it will be restored back to site, the Society is happy to withdraw its objection.

Lath and Plaster Ceilings

We would simply ask that the comments made in our letter of 27th November are taken on board.

Suspended ceilings

We would simply ask that the comments made in our letter of 27th November are taken on board.

Drainage

Objection sustained. Please refer to our letter of 27th November"

- 5.3 Plans, supporting documentation and representations can be viewed on the Council's website using the web links on the covering page of this agenda item.

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). The National Planning Policy Framework (NPPF) is also a significant material consideration. The Hereford Area Plan (HAP) was intended to set out detailed proposals to ensure the delivery of the targets for Hereford City in the adopted CS however following the decision to update the CS, a decision was taken to stop work on the HAP.
- 6.3 Although the proposed use of the building is not under consideration, the general principle of enhancing the use and accessibility of Shire Hall, with a view to making it an attractive destination, is afforded support at a strategic level, under Policy HD2 of the CS. This promotes a wide range of opportunities to enhance Hereford's role as a stronger employment, leisure, education and cultural focus for the wider county. Whilst this policy does not specifically name Shire Hall, the policy offers broad in-principle support to proposals that will provide new and improve existing cultural and tourism attractions and facilities that protect, conserve and enhance heritage assets, which respect the city's historic character and local distinctiveness. The policy also recognises that development should enable the protection, conservation and enhancement of Hereford's heritage assets, their significance and setting, including archaeology, with particular regard to the historic street patterns and the skyline.
- 6.4 In addition, noting the public services and cultural facilities the proposed alterations would enable, Policy SC1 of the CS also addresses proposals which are looking to retain and/or enhance social and community facilities. The policy recognises 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. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport. Proposals involving the expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled

people and baby changing), all of which are incorporated within these proposals. In addition, the policy includes enhancement to existing education and training facilities and the facility includes greater opportunity for education related to the county and its history.

- 6.5 Upon review, your officer identifies no tension with these policies, and opportunities have been taken to promote accessibility on foot, cycle and public transport, given the site and its relationship to the City Centre. It is apparent the building currently has areas which are completely out of use. This proposal includes a new passenger lift to the Assembly Room and staircases to ensure disabled access to all publically accessible floors, notably including the Rostrum reinstalled within the Assembly Room with new DDA accessible retractable stair to side, as well as new compliant DDA ramp integrated into the existing steps at the portico entrance (front/west) of the building.
- 6.6 As explained in the introduction, change of use is not required. In the view of your officers, the main material planning considerations relates to the effects of the proposed renovation, repairs and refurbishment to the Shire Hall both externally and internally (listed building consent only) as follows:
- Heritage assets (including below ground)
 - Design and visual amenity including townscape effects
 - Ecology and Biodiversity
 - Habitat Regulations Assessment
 - Flood Risk and Drainage
 - Residential Amenity
 - Climate Change/Sustainability
 - Implications on Highway Safety, including consideration of active travel modes and accessibility
 - Other material planning considerations

Listed Heritage Assets

- 6.7 As detailed within the Building Conservation Officer's detailed comments, the proposal needs to be assessed against Section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of the protection of listed buildings and their setting; and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authority in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. These statutory duties are repeated within policy, having regard to policies SS6, LD1 and LD4 of the CS, which are consistent with Section 16 of the revised NPPF.
- 6.8 The application site is located within the Hereford Central Conservation Area and the Shire Hall is Grade II* listed. Regard also needs to be had to the plethora of other designated heritage assets in close proximity to the site, which is shown on the map overleaf:

undertaken of this scale. These works would be considered to amount to 'less than substantial harm' to the listed building when considered individually and cumulatively. To aid members, the Council's Building Conservation Officer has taken a view as to where works may amount to less than substantial harm; and where proposed works may either lead to a neutral effect or bring positive public benefits.

- 6.13 As per the NPPF, the recognition that less than substantial harm is identified triggers the balancing exercise set out under paragraph 215:

"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."

- 6.14 As such, a balancing exercise has to be undertaken where the public benefits of the proposal need to be weighed against the harm identified. In weighing up the public benefits of the proposal, consideration should be given to the wider use of the building for its original and proposed intended use, along with any associated public benefits accruing from the development.
- 6.15 Members should nevertheless note that the Building Conservation Officer does not raise an objection in respect to the setting, significance or experience of either the Shire Hall, adjoining and adjacent designated heritage assets or the wider Hereford Central Conservation Area. Whilst a substantive amount of investigative works and plans have occurred and been provided to date, there is still a need for the inclusion of several conditions in respect of relevant works to the listed building, which have been included at the end of this report. Further work is being undertaken at the time of writing and as such these may be subsequently updated. Any changes to the recommendation will form part of the as a result of the Schedule of Written Updates.
- 6.16 In terms of listed heritage assets, officers have given significant weighting to the views reached by the Building Conservation Officer and consider the application to accord with Policies SS6, LD1 and LD4 of the CS. The 'public benefits' test is considered within the planning balance and conclusion below.

Impact on the Hereford Central Conservation Area

- 6.17 The site is located within the Hereford Central Conservation Area, a designated heritage asset. Paragraph 212 of the NPPF is clear in so that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* Paragraph 219 of the NPPF also states that: *"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."*
- 6.18 Policy LD4 of the CS concerns development within or affecting the setting of conservation areas, stating that developments that are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area will be supported.
- 6.19 In terms of the proposed development, the works are of appropriate design, with styling cues taken from development harking to the significance of the Shire Hall and development within the conservation area. In addition, the quality of materials is important, to further reference the conservation area and other surrounding development and to assist in mitigating and justifying the scale and impact of the proposed development. Your offices have worked with the applicant to amend the proposal and significant changes have evolved in the proposed materials and detailed design which can be seen within the amended plans. As such, the proposed

development, will preserve the character and appearance of the Shire Hall, the immediate area and the Hereford Central Conservation Area. The application is considered to meet Policy LD4 of the CS, in respect of the need to conserve the conservation area.

Design and visual amenity including townscape effects

- 6.20 Turning attention to wider design effects, Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helps to make development acceptable to communities (paragraph 131). Continuing, paragraph 135 of the NPPF sets out six design expectations for proposed developments:
- 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;
 - e) 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
 - f) 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.
- 6.21 At a more localised level, Policies SD1 and LD1 of the CS are of consideration.
- 6.22 As highlighted above, the scheme has evolved since its original submission. The proposed additions has been sensitively designed, taking cues and architectural detailing from the host building and the surrounding built development. The proportions of the new additions have been influenced by the design of the existing building but chose to define the modern additions as clear from the existing.
- 6.23 Further, to assist in mitigating the scale and impact of the new building, the quality of materials is deemed to be of importance to enhance and echo the references to the architectural details of surrounding built development within the streetscape. Extensive discussions have been undertaken with the applicant in respect to detailing of the proposed external appearance as officers sought acceptability on the design approach of the building. It is agreed that some details can be negotiated through conditions so that the applicant can explore options further, particularly as the work intends to be delivered over several phases. The detailed materials to be used in the construction of the development can be agreed with suitably worded planning conditions to ensure that the whole design concept can be developed. As noted in Historic England's comments, the application has benefited from extensive pre-application discussions and consultation at application stage which has led to the presentation of a proposal which has successfully addressed concerns raised.
- 6.24 The development is sensitively designed, and quality of the proposed development will be appropriate. Subject to certain aspects being developed through planning conditions, the overall development will provide a visually attractive and sympathetic development which conserves and modestly enhances local character and surrounding development and is viewed to comply with paragraph 135 of the NPPF, which is consistent with Policies LD1 and SD1 of the CS.

Archaeology

- 6.25 The site is located within the Hereford 'Area of Archaeological Importance', recognising that Policies SS6 and LD4 of the CS are relevant, which is consistent with Paragraph 205 of the revised NPPF. Following pre-application discussion and initial consultation response from the archaeological adviser, the applicants have provided extensive archaeological documentation to explain and justify the changes contemplated.
- 6.26 The archaeological advisor has reviewed the submission and has confirmed they have no objections subject to suitably worded conditions. The overall purpose of the archaeological condition is to ensure that ground disturbance is kept to a minimum within the current design parameters, and secure a suitable high level archaeological mitigation project prior to and during construction works. Officers are satisfied, taking on board the specialist consultee response, that the development secures high level archaeological intervention, in accordance with both national and local policy including paragraph 205 of the NPPF, which is consistent with Policies SS6 and LD4 of the CS.

Conclusion on heritage matters

- 6.27 Given the prominence of the site; the scale of development and its visibility; and works to the listed building do involve works which have been considered to amount to less than substantial harm, when considered individually and cumulatively. The concerns raised by both Hereford City Council and the Hereford Civic Society are acknowledged, though it is noted that your officers are in receipt of a no objection from both Historic England and the Council's Building Conservation Officer. However, as the works as considered to result in less than substantial harm this triggers the balancing exercise as per paragraph 215 of NPPF. The balancing exercise can be seen in the conclusion/planning balance though your officer is content that no conflict with policies SS6 and LD4 is identified as result of what is proposed. The duties satisfied under Section 16, 66 and 72 of the 1990 Act also need to be discharged.

Ecology and Biodiversity

- 6.28 In terms of ecology, Policy LD2 of the CS is of direct relevance. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species.
- 6.29 The application is supported by a bat and nesting bird survey and updated protected species report (dated June 2024). This report and the application has been reviewed by the Councils' ecology officers, who note that the report confirmed the presence of day-time bat roosts of low numbers of common pipistrelle currently within the building proposed for renovation, repair and refurbishment works. This was confirmed through emergence surveys and droppings located within the building during surveys carried out in 2021, 2023 and 2024.
- 6.30 As confirmed in the report and memorandum, a European Protected Species Mitigation License from Natural England will be required for the proposed building works affecting the bat roosts. Compensation recommendations and enhancement recommendations are made within the report and can be included within a Mitigation Method Statement written by an experienced bat ecologist which would be accompanied by a submitted license.
- 6.31 To confirm, the Council's Ecologist has 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 subject to the mitigation and enhancement measures above which can be secured by condition. The proposal, subject to conditions is therefore considered acceptable, according with policy LD2 of the CS.

- 6.32 In having regard to The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, the proposal benefits under the 'de minimis' exemption, namely if a development impacts less than 25 square meters of non-priority habitat and 5 metres or less of non-priority linear habitat (e.g. hedgerows). Mandatory Biodiversity Net Gain is not required in relation to this proposal.
- 6.33 As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency, all developments should nevertheless demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. These are in addition to any mitigation secured in respect of bats or required as part of any species licence issued by Natural England. To secure these enhancements, a relevant condition is recommended.

Habitat Regulations Assessment

- 6.34 The site lies within the catchment of the River Wye Special Area of Conservation (SAC) and a Habitat Regulations Assessment (HRA) process is triggered by this application, which is a process that determines whether or not development plans could negatively impact local plans on a recognised protected European site beyond reasonable scientific doubt. The HRA process must be undertaken with legal and scientific certainty and with a 'precautionary approach. As detailed within the submission, the application confirms that:
- The proposal is to manage foul water through existing connection to the local DCWW mains sewer system
 - At this location the mains sewer network is managed through DCWW's Hereford (Eign) Wastewater Treatment works.
 - The Eign WwTW discharges in to the 'lower middle' section of the River Wye SAC.
 - Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
 - No additional surface water is likely to be created as the proposed development will not change the existing non-permeable surface area for the site and all surface water will be managed through the existing systems serving the site.
 - The agreed foul water and surface water management systems can be secured by condition on any planning consent granted.
- 6.35 The relevant stated factors considered relating to foul water are embedded within the project as proposed and assessed and can be assured through relevant conditions on any planning permission granted. Based on the information and notes above there are no identified effects from the proposed development that trigger the requirement for an additional 'Stage 2' HRA appropriate assessment process. There is no reason to require a formal consultation response from Natural England to the completed HRA process and ecology officers have recommended conditions to secure embedded HRA certainty which have been included at the end of this report.
- 6.36 For avoidance of doubt, the undertaken HRA Assessment can be found on the planning application (242506) webpage
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242506.

Flood Risk and Drainage

- 6.37 The site is located in low risk Flood Zone 1 and is less than 1 hectare. As such no flood risk assessment is required. Welsh Water have been consulted and have advised following the clarification of the proposed drainage layout, they have confirmed in their comments there is capacity within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

- 6.38 When looking at surface water, as the proposal is for the regeneration of an existing building with site constraints which would not allow for any more sustainable options for the disposal of surface water, relevant consultees have confirmed acceptance to continue accepting surface water into the combined public sewer. Welsh Water have raised no objection to the proposal, however have recommended a compliance condition advising that no additional surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and advisory notes. The Council's Land Drainage Engineer also raises no objections.
- 6.39 As such, officers would conclude that the application aligns with both CS policies SD3 and SD4 and will be controlled via condition.

Residential Amenity

- 6.40 CS Policy SD1 and the revised NPPF through Paragraphs 135f and 198 require good standards of amenity. This could be as a result of overlooking, noise, fumes, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution. It is acknowledged that there are residential properties located surrounding the site, whether that be residential dwellings or flats/studios. In the view of officers, there are no concerns in regards to overlooking or privacy. When reviewing the proposal in regards to the potential effect of noise, vibration, smell, and other pollution, your officer raises no objection in this regard.
- 6.41 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.
- 6.42 With regard to residential amenity, it is considered that the proposal would have no significant bearing on the use of nearby properties including both residential and business. Therefore, officers are satisfied for the reasons outlined above and proposed conditions suggested the proposal accords with Policy SD1 and SS6 of the CS and the NPPF in terms of safeguarding amenity.

Climate Change/Sustainability

- 6.43 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Change and Ecological 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.
- 6.44 The application site is located within a sustainable location with access to a range of amenities, and transport services. As part of the submission the application is supported by a design and access statement which seeks to demonstrate how the development would achieve both a sustainable design and construction. It is clear that re-locating the library and re-opening of the Court Rooms in a city centre location instead of to out-of-town location retains the most sustainable location for the facilities, providing the best location to reduce the need to travel by car and have the most opportunities to travel via public transport from a local or regional location as well have having the best access to the city centre's network of cycle paths.

- 6.45 It is evident that the proposed floor plan arrangements will ensure rooms can continue to be naturally purge ventilated throughout, with the main public spaces benefitting from mechanical extract and heat recovery ventilation where required. This is in line with the aims of policy SS7.

Implications on highway safety/active travel modes/accessibility

- 6.46 Turning to highway safety, the site is located off St Peters' Square and Gaol Street and currently has the existing Shire Hall Car Park (61 car parking spaces) which has the existing bike storage canopy to the east of the application site; as such the access strategy will be focussed on active travel options for users of the site. Officers also note the existing bus stops at St Peters Square which provides frequent pick-up/drop-off throughout the week across the City Centre and wider county, the latter to varying extents and frequency.
- 6.47 The location of the site is such that this acceptable in principle given the lawful existing use of the building and the use won't materially change or intensify. No objections were raised by the Local Highway Authority and officers are content that there is more than sufficient cycle storage already on site, though the plans provide the addition of a handful of additional cycle storage spaces on site. Therefore officers are satisfied for the reasons outlined above the proposal accords with Policies SS4 and MT1 of the CS; and that Paragraph 116 of the NPPF should not be engaged.

Other material planning considerations

- 6.48 The Civic Society have made representation on the latest round of consultation. The nature of objections raised can be responded to as follows:
- 6.49 In terms of landscaping, the proposals do not extend to the landscaping works, so do not form part of this application. The applicant states that all car parking will be removed from the front of the building to allow the space to be used for public access, events, perhaps craft markets, etc., which is considered to amount to an improvement on the current situation. Officers do not consider that additional landscaping is necessary at this time.
- 6.50 In terms of the access ramp, the current situation is an unsightly platform lift which worked only occasionally, leading to those with additional accessibility requirements often having no access to the front of the building. A ramp, requiring no maintenance will afford access to all users at all times. The revised design is now considered to have a more positive effect upon the building frontage.
- 6.51 In terms of the bollards, the applicant has confirmed that they are to be cast iron.
- 6.52 With regards to the library entrance to the Assembly Room, the lobby to the library does have to be fire protected to a time of 60 minutes. This is not possible with sliding doors. It is felt that the glazed door solution, with the library beyond being visible as the visitor ascends the staircase is the most welcoming and inclusive option as the doors will be on a 'held open' device during the day, with a fire alarm override which hopefully mitigates any concerns. Revolving doors in this situation, whilst maybe neat, would not allow inclusive access for those with additional accessibility requirements into the library and would mean having to design a second entrance for accessible use, which would not be welcoming for all users.
- 6.53 In terms of the main entrance, under building regulation, the glazed doors have to open in the direction of exit. They are powered, but not automatic. The use of sliding doors in this location would increase the lobby intervention which has been considered by the applicant but a minimum lobby is viewed as a preferable solution into this foyer area. Revolving doors in this situation, whilst maybe neat, would not allow inclusive access into the library and would mean having to design a second entrance for accessible use, which would not be welcoming for all users.

- 6.54 Cycle parking has been considered in the above section, noting the reliance on the existing and underused bike storage canopy. The applicant is also proposed two standalone hoops, which would serve an additional four bikes.
- 6.55 The existing glazed canopy to be retained and repaired. There is a similar, but smaller, proposed canopy to be constructed outside the lower library entrance.
- 6.56 The ceiling repairs are to be specified by a historic plaster specialist and overseen by them and a Clerk of Works.
- 6.57 With regards to the suspended ceilings, areas of suspended ceiling are generally to be removed. On the ground floor of the library, where the floor is being replaced, the entire area will have ceiling tiles removed and replaced by a fire protected, boarded ceiling which will have a plaster finish. These ceilings are to go back to achieve a maximum height in the rooms.
- 6.58 Drainage will be traditional cast iron and rainwater goods implemented throughout. The clarification over impermeable surfaces with both Land Drainage and Welsh Water has been resolved to the satisfaction of both technical consultees.
- 6.59 Any signage and external lighting related to the proposal and within the site is not a matter to be considered under these applications.
- 6.60 There is no requirement for the Local Planning Authority to secure planning obligations for this proposal.

Conclusion/Planning Balance

- 6.61 In accordance with the statutory requirement, determination of both applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. As Paragraph 8 of the NPPF states, sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting.
- 6.62 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, decision-making should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.63 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making.

11 c) states that development proposals in accordance with an up-to-date development plan should be approved without delay;

11 d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78 of the NPPF), granting permission unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

6.64 In considering this application, careful regard has been had to the statutory duties of the Council in respect of conserving listed buildings and their settings, maintaining the character and appearance of the Conservation Area. Extensive dialogue and revisions have now led to receipt of a no objection within detailed comments by the Council's Building Conservation Officer and these were fundamental in arriving at a recommendation for approval. Officers are also in receipt of a no objection from Historic England.

6.65 Officers have taken a holistic view of the social, economic and environmental aspects of the proposal. This is in accordance with the advice found at paragraph 215 of the NPPF, insofar as where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As such a balancing exercise now needs to be undertaken where the public benefits of the proposal are weighed against the harm.

6.66 The NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the NPPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF, to contribute to protecting and enhancing the natural, built and historic environment.

6.67 The NPPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.68 In weighing up the public benefits of the proposal, consideration should be given to the benefits to the listed building in terms of, but not limited to:

- The removal of modern features such as the CCTV room (to be re-located to Maylards);
- demolition of the existing Family Room, a harmful modern intervention which included the insertion of a window in the south elevation, will provide a significant heritage benefit as it will re-instate the southern side of the circulation space, and the corresponding section of south elevation, to its intended arrangement;

- In the northern circulation area, the staircase proposed for removal from the 1928 Brierley addition to the northern side of the Hall was inserted in 1963 as part of an extension to provide ground floor access to a new law library and interview rooms above the Committee Room. Whilst that scheme has some minor evidential value in terms of the building's functional evolution, there is greater benefit in its removal as it will re-reveal Smirke's scheme at 1st floor/roof level, and return the Brierley scheme to its intended form at ground/roof level. From a heritage perspective, these benefits outweigh the loss;
- In terms of the library installation in the assembly hall, the evolved Creative Core library design illustrated in the amended drawing package presents a scheme which it is considered will preserve and enhance the significance of the assembly hall, whilst also maintaining a characteristic sense of openness and visual connectivity between floor and stage by tailoring the height of feature shelving units. Historic ventilation wall units are retained, with book shelving designed to facilitate this; windows are retained and thermally upgraded; acoustic panels are removed from frieze level and the historic conductor's rostrum is incorporated into the stage access design, all of which realise positive heritage benefits;
- Following the failure of the historic ceiling within the Crown Court, the proposed re-instatement and repair works to plasterwork and court furniture etc. are welcomed, and will realise a significant degree of heritage benefit as a consequence;
- Given the ceiling failure in Court Room 1, a mid-20th century decorative suspended ceiling within Court Room 2 was removed as emergency works in order that the original lath & plaster ceiling above could be propped and supported to enable a thorough inspection of its integrity, and for emergency structural strengthening works within the roof void to be executed. The results of the specialist inspection confirm the ceiling can be retained and repaired, and this will realise a significant heritage benefit;
- Demolition of the former Court Services Family Room situated in the south-eastern corner of the Hall can be supported from a heritage perspective as these works date from 1970 and detract from how the original public entrance vestibule to the Nisi Prius Court is understood and experienced. The proposed retention of this area as a circulation space will largely maintain that historic arrangement, and, in combination with infilling the window opening inserted into the south elevation as part of those works, will realise significant heritage benefit as a consequence; and
- Removal of the existing access installations to the northern and southern sides of the portico are seen as positive beneficial interventions with a new DDA compliant access ramp improving accessibility.

6.69 The public benefits of the proposed development are considered to be:

- Increase in cultural community offering and its long term viability for local community would be enhanced;
- The works would also see the removal of later additions and alterations which detract from the building's architectural interest (For example the long ramp service access at the north side of the Assembly Rooms;
- Further enjoyment of the library by visitors, education users and the local community;
- The generation of employment during the construction phase of the proposed development;
- A more energy efficient scheme, with revised M&E services, ventilation and PV panels added;
- The works would provide an economic boost to the area;
- The proposal would create short term economic benefits during the construction period; and
- Bring Shire Hall back into a fully functioning, occupied asset which maximises the use of all parts of the building and celebrates its rich heritage.

6.70 Officers have carefully weighed the public benefits of the proposed development against the less than substantial harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage asset, it is considered that the public benefits of the scheme

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

significantly and clearly outweigh the less than substantial harm identified on all affected heritage assets.

- 6.71 Having regard to the detailed assessment provided by the Council's Building Conservation Officer, the magnitude of harm identified is very much at the lower end of the spectrum of less than substantial harm, such that your officer would consider the public benefits of securing a more suitable and better performing solution and enabling the building to be brought back into beneficial use, enabling the continued delivery of Council services outweighs any harm caused. It is also stressed that the scheme has been found to be acceptable by all statutory/technical consultees.
- 6.72 The scheme may well divide opinion and may illicit a degree of subjectivity in terms of design, but your officer views that this appropriately designed development and wider refurbishment will acceptably harmonise with the building, whilst introducing an important library space, which is an essential public service. It is considered by officers that the proposed development accords with the relevant policies of the adopted Development Plan. There are no significant material considerations presented which should otherwise lead to a determination other than that in accordance with the adopted development plan. It is therefore recommended that planning permission and Listed Building Consent be granted subject to the below conditions, in line with Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS.
- 6.73 For avoidance of doubt, there are two separate recommendations as although the applications concern the same site, they need to be considered separately. 242506 relates to the application for planning permission and 242507 is the application for listed building consent. Furthermore as mentioned above some flexibility is included in the recommendation to allow for further conditions to be added and/or refined prior to issuing decisions
- 6.74 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (SI 2018 No. 566), any pre-commencement conditions will require the agreement by the applicant/agent in writing. Agreement of pre-commencement conditions can take place following resolution, if members are minded to grant planning permission and listed building consent.

RECOMMENDATION

242506/CD3

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

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2. The development shall be carried out strictly in accordance with the approved plans (insert Drawing Numbers) and supporting documents (insert Supporting Documents), except where otherwise stipulated by conditions attached to this permission.**
Reason: For the avoidance of doubt and to ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. Notwithstanding the details provided, no development shall begin until details and the 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 the construction period of the development hereby approved:

- Construction traffic access location;
- Parking for site operatives; and
- Construction Traffic Management Plan

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

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

4. Notwithstanding the details provided, no development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording to include recording of the standing historic fabric and any below ground deposits affected by the works. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.

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

5. The recommendations in the ecology report by Udall-Martin Associates Ltd in respect of ecological interests on the site including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England is to be obtained prior to any works commencing on site, shall be implemented in full; and hereafter maintained as approved, unless otherwise agreed in writing by the local planning authority.

Within one month of receiving any protected species licence(s) from Natural England, a copy of the issued licence shall be submitted to, and acknowledged in writing by the local planning authority.

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

6. In accordance with the phasing plan, the following samples of materials to be used externally shall be submitted to and approved in writing by the local planning authority:

- DDA compliant main entrance access including handrail;
- External canopy; and
- Replacement roof materials, where necessary, if repair is not possible;

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

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

- 7. Prior to resumption of public use of the Shire Hall, the provision of covered and secure cycle parking facilities shall be carried out in strict accordance with the approved plans and available for use prior to the first use of the development hereby permitted, with evidence submitted to and approved in writing by the Local Planning Authority. 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.

- 8. The new parking bollards shall be of cast-iron. Details of their installation shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing. The agreed details shall be carried out in accordance with the approved plans and completed prior to resumption of public use of the Shirehall.**

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

- 9. Prior to resumption of public use of the Shire Hall, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of TEN bird nesting boxes and FOUR bat roosting boxes (or similar features) as recommended in the ecology report by Udall-Martin Associates Ltd, shall 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. Habitat boxes must not be installed in Ash Trees due to endemic 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; Climate Change & Ecological Emergency.

- 10. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to accord with Policies SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, and the National Planning Policy Framework.

11. The multi-functional spaces hereby permitted shall not be open to the public outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.

Reason: To safeguard the amenities of the locality in accordance with the Herefordshire Local Plan – Core Strategy policies SS6 and SD1, and the National Planning Policy Framework.

12. Details of any additional external lighting, including fixtures or fittings, proposed to illuminate the development, other than that as shown in the approved plans, shall be submitted to and approved in writing by the local planning authority before installation.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Prior to their installation, details of the specification and the installation of the PV panels to the built fabric, shall be submitted to and agreed in writing with the Local Planning Authority. Unless first agreed otherwise by the Local Planning Authority in writing the framework of the photovoltaic panels shall have a matt black external finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.

Within six months of any of the 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, SD2 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Prior to the relevant works commencing, details, including and specification, of the replacement dormers shall be submitted to and approved in writing by the Local Planning Authority. This details shall include confirmation of the historic leadwork which contains the graffiti being re-used as part of the re-instated leadwork covering in the first instance.

The work shall be carried out in full in accordance with such approved details.

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

INFORMATIVES:

1. IP2 – Application Approved Following Revisions
2. The site is within an Area of Archaeological Importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of this are that notice is

required of any proposed operations which will disturb the ground. An Operations Notice and accompanying Certificate should be served on Herefordshire Council prior to the commencement of such operations.

3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
4. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council’s website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
5. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal, the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
6. The ownership of the land subject of this application is vested in the Council and the consent of the Council as landowner is required before the development is commenced.
7. For avoidance of doubt, the premises Use Class is F1, as per the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

242507/L

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

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

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2. The development shall be carried out strictly in accordance with the approved plans (insert Drawing Numbers) and supporting documents (insert Supporting Documents), except where otherwise stipulated by conditions attached to this permission.**

Reason: For the avoidance of doubt and to ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3. Details of the appointment of an appropriately qualified professional who will supervise the approved works of alteration or demolition shall be submitted to and agreed in writing with the Local Planning Authority, for the following phased stages as set out in the phasing plan, before the relevant phase of work commences:**

- a) Phase 1;**
- b) Phase 2;**
- c) Phase 3;**
- d) Phase 4 and 5, if further demolition not carried out under Phase 1, 2 or 3 is undertaken.**

Any proposed variation to the agreed supervision arrangements shall be subject to the prior written agreement of the local planning authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:**

- a) Specifications and drawings of the DDA compliant main entrance access, including details of the removal of the existing access installation to the northern and southern sides of the portico and their treatment and repair;**
- b) Specifications and drawings of the main entrance lobby;**
- c) Details and drawings relating to the fixing of digital display boards, in relation to main hallway circulation areas associated with the library installation;**
- d) Detailed specification, drawings and proposed materials in relation to the sub-division and alterations to the northern circulation area, including staircase removal;**
- e) Detailed specification and drawings in relation to library installation (Assembly Hall), including joinery and thermal upgrading; details of removal of acoustic panels from frieze level; and details of re-instatement of the historic conductor's rostrum.**
- f) Assembly Hall Ceiling – Details, including drawings, materials and installation of the surrounds of the new decorative latticework ventilation grilles.**
- g) Details on installation and proposed replacement flooring materials with specific regards to the Assembly Hall Floor.**
- h) Details relating to the attachment and door restraint with specific regards to the new assembly hall lobby;**
- i) Detailed specifications and drawings relating to the Undercroft (Learning Centre);**

- j) Details regarding attachment of the amended external canopy design (undercroft canopy) to the historic masonry;
- k) Fully detailed reports and specifications of all re-instatement and repair elements to Court Room 1, including works to plasterwork and court furniture. This shall include details of the contractors to be engaged to execute these relevant works;
- l) Fully detailed specifications for all of the ceiling repairs to Court Room 2; and the heating/de-stratification installations associated with the repairs, namely fully detailed M&E specifications/drawings for that installation. This shall include details of the contractors to be engaged to execute these works; and
- m) Details, including drawings, of the new grilles to be installed below plenum boxes within the roof void for Court Room 2.

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

5. Notwithstanding the details provided on drawing no.'s 2142-2000 Rev. B; 2142-2401 Rev. B, and in amended Room Data Sheets, a comprehensive Schedule of Works relating to these areas shall be submitted to and agreed in writing with the Local Planning Authority prior to relevant works commencing. This shall be informed by the necessary level of appraisal, inspection and detail.

The work shall be carried out in full in accordance with such approved details.

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

6. Notwithstanding the details provided, prior the relevant works commencing, as set out in the phasing plan, fully detailed specification and drawings in relation to the following strengthening works shall be submitted to and approved in writing by the Local Planning Authority:

- Assembly Hall Roof;
- Assembly Hall Floor;
- Court Room 1 Roof;
- Court Room 2 Roof;
- Low Level Flat Roof

The work shall be carried out in full in accordance with such approved details.

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

7. Prior to their installation, details of the specification and the installation of the PV panels to the built fabric, shall be submitted to and agreed in writing with the Local Planning Authority. Unless first agreed otherwise by the Local Planning Authority in writing the framework of the photovoltaic panels shall have a matt black external

finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.

Within six months of any of the 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, SD2 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. Notwithstanding the details provided, the repair intervention approaches to external fabric in relation to structural repairs, shall be agreed in writing with the Local Planning Authority before relevant works commence.

The work shall be carried out in full in accordance with such approved details.

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

9. Prior to its installation details and full specification of the positioning of the M&E equipment and associated gantry structures, shall be submitted to and approved in writing by the Local Planning Authority.

The work shall be carried out in full in accordance with such approved details.

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

10. Prior to the relevant works commencing, details, including and specification, of the replacement dormers shall be submitted to and approved in writing by the Local Planning Authority. This details shall include confirmation of the historic leadwork which contains the graffiti being re-used as part of the re-instated leadwork covering in the first instance.

The work shall be carried out in full in accordance with such approved details.

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

11. Prior to relevant works commencing, fully detailed specifications and drawings of the new roof access walkways to make access to the Assembly Hall roof space shall be submitted to and approved in writing by the Local Planning Authority.

The work shall be carried out in full in accordance with such approved details.

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

- 12. Prior to relevant works commencing, fully detailed specifications and drawings of the proposed aspects of roof replacement and repairs shall be submitted to and approved in writing by the Local Planning Authority.**

The work shall be carried out in full in accordance with such approved details.

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

- 13. In relation to electrical services; the detention cell W.C. basement demolition; and the removal of the modern stairlift, details of making good to exposed surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.**

The work shall be carried out in full in accordance with such approved details.

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

- 14. Notwithstanding the details provided, in relation to works to the access ramp and fire exit structure at the ground floor, details of the re-constructed structure including proposed polychromatic brickwork detailing and coping materiality shall be submitted to and approved in writing by the Local Planning Authority prior to relevant demolition.**

The work shall be carried out in full in accordance with such approved details.

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

- 15. In relation to new ventilation openings to facilitate the new services, details of the wall vent grilles or suitable alternative, shall be submitted to and approved in writing by the Local Planning Authority prior to relevant installation.**

The work shall be carried out in full in accordance with such approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the

Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 16. In relation to the demolition of the fire exit lobby at the first floor, prior to the removal of the existing fire exit doors and associated ironmongery, details including specification and drawings of the replacement doors shall be submitted to and approved in writing by the Local Planning Authority.**

The work shall be carried out in full in accordance with such approved details.

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

- 17. Notwithstanding the details provided, prior to removal of the uppermost tier of bench seating at the top of the assembly hall stage, fully detailed specifications and drawings for the proposed removal and repair works associated with the assembly hall stage shall be submitted to and approved in writing by the Local Planning Authority.**

The work shall be carried out in full in accordance with such approved details.

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

- 18. Prior to relevant works commencing in relation to window replacement, the precise details of all external windows shall be submitted to and approved in writing by the Local Planning Authority. These shall include:**

- Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.**
- Method & type of glazing.**
- Colour Scheme/Surface Finish**

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

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

- 19. In relation to rooflight repairs, with the exception of undertaking further investigation necessary to establish current condition and provenance, no further relevant works shall take place until details of inspection results and the precise relevant rooflight repair works, including specification and drawings, shall be submitted to and approved in writing by the Local Planning Authority.**

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

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

20. In relation to roof lantern repairs, fully detailed specification and drawings of the proposed repair of the vertical framework and ironmongery, including proposed replacement of the pitched glazing shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

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

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

21. In relation to the parapet coping repair, the replacement coping stone shall match the original adjacent in terms of dimensions, detailed appearance, texture and colour. Any variation of these details shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

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

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

22. With regards to Electrical & Lighting Works, no installation of these relevant works shall commence until fully detailed specification, drawings and details of how these elements will be installed within areas with sensitive historic fabric; and, more generally, how any new wiring will be run to the relevant points, and how new lights will be attached.

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

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

23. In relation to fire engineering works, the final positions of the de-stratification fans shall be agreed in writing with the Local Planning Authority prior to their relevant installation, including detailed drawing(s) of their location.

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

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework

and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

24. In relation to 'Builders Works', details of how the new openings to facilitate routing of new services; and access area to achieve these, in terms of how these will be executed, or of any specific designs/materials needed to ensure the special character and appearance of the Hall is preserved including but not limited to:
- treatment of insulation within the roof space above the assembly hall;
 - sealing of existing window cill vents; and
 - Details of how the pipework routing from the AHU plant on the main roof will be achieved

Shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

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

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

25. In relation to damp remedial works, an in-depth assessment of damp related fabric deterioration shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing.

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

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

26. Before the building is re-opened for public use, a Fire Safety Strategy and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The works are to be implemented in accordance with the approved Statement.

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

INFORMATIVES

1. IP2 – Application Approved Following Amendments
2. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by

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

3. Listed Building Consent is required for the demolition of a listed building or the carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed is a criminal offence. Planning (Listed Building & Conservation Areas) Act 1990.

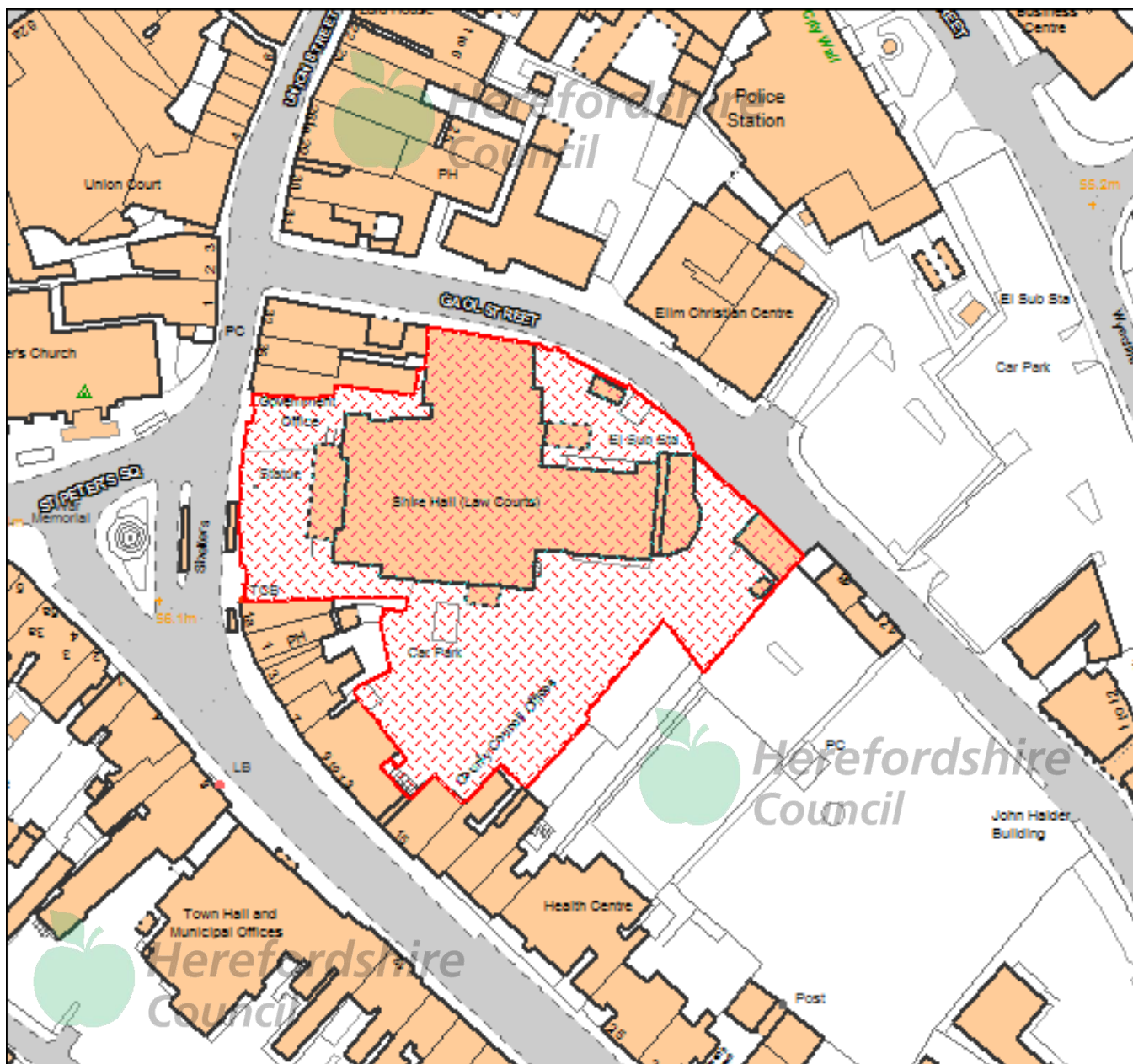
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 242506

SITE ADDRESS : SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HX

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 JANUARY 2025
TITLE OF REPORT:	242591 - CHANGE OF USE OF LAND TO PLANT HIRE BUSINESS AND ERECTION OF A POLE BARN ASSOCIATED WITH THIS USE, AND ERECTION OF AN ADDITIONAL BUILDING FOR A MIXED USE OF PLANT HIRE BUSINESS AND DOMESTIC USE (RETROSPECTIVE) AT LAND AT LOWER WOODEND, STOKE LACY, HEREFORDSHIRE, HR7 4HQ For: Willis per Mr Lee Marbury, Unit D Lunesdale, Upton Magna Business Park, Shrewsbury, SY4 4TT
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242591&search-term=242591
Reason Application submitted to Committee - Redirection	

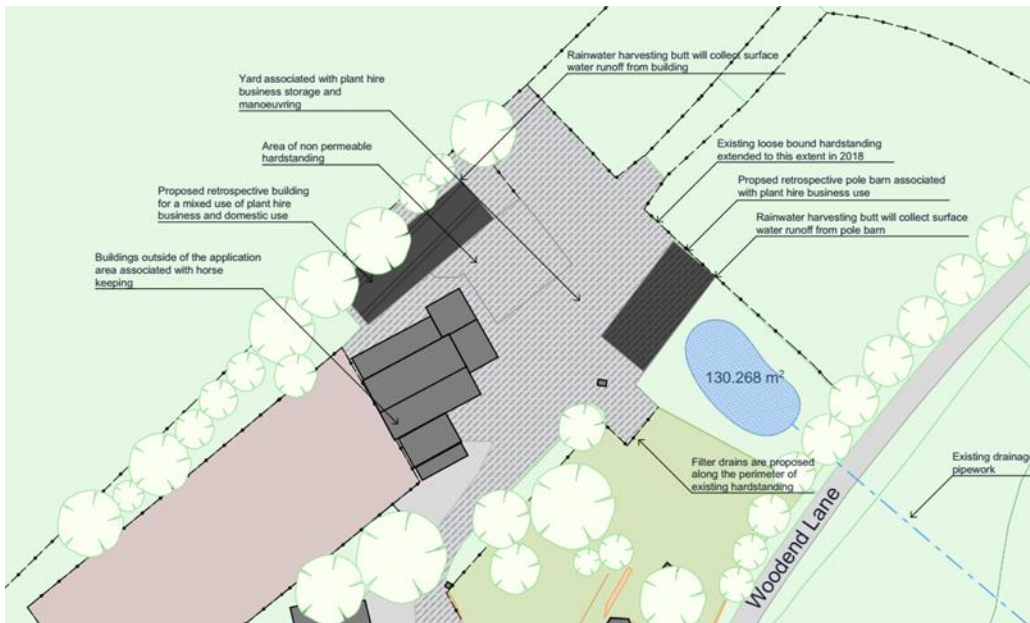
Date Received: 8 October 2024**Ward: Three Crosses****Grid Ref: 361820,250369****Expiry Date: 1 January 2025**

Local Members: Cllr Jonathan Lester

1. Site Description and Proposal

- 1.1 The site is accessed via a private access track off Woodend Lane. Woodend Lane runs south west onwards to provide access to private properties and a farm. The lane is a dead end with no through access for vehicles. Woodend Lane is accessed directly off the A465 the Bromyard to Hereford Road.
- 1.2 The site shares an access track with a private residential property, within the applicants ownership, and also to a stable block.
- 1.3 The proposal is to the rear of the residential property, with agricultural fields to the north and east. The stable block and arena are to the west of the site.
- 1.4 The proposal is for the change of use of land to plant hire business and erection of a pole barn associated with this use, as well as the erection of an additional building for a mixed use of plant hire business and domestic use.
- 1.5 This is a retrospective application. A previous application was sought to retain the unauthorised development and was refused which this application seeks to address. There are two buildings on the site in association with the business. The proposed site plan is shown below for context:

Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000



2. Policies

2.1 National Planning Policy Framework (NPPF)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 6 – Building a strong and competitive economy
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

2.2 Herefordshire Local Plan – Core Strategy (CS)

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

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

- SS1 – Presumption in favour of sustainable development
- SS4 – Movement and transport
- SS5 – Employment provision
- SS6 – Environmental quality and local distinctiveness
- RA6 – Rural economy
- MT1 – Traffic Management, highways safety and promoting active travel
- E1 – Employment provision
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water and river water quality

2.3 Stoke Lacy Neighbourhood Development Plan (SLNDP) (Made 17 Feb 2023):

- Policy SL1 – Protecting and enhancing local landscape character and Biodiversity

Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

- Policy SL2 – River Wye Special Area of Conservation (SAC)
- Policy SL6 – Achieving and promoting good and sustainable design in development
- Policy SL10 – Tourism and rural enterprise

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

Application No.	Description of Development	Decision
DCNC2005/2829/F	Proposed change of use of land to extend existing ménage area	Approve
DCNC2008/2418/F	Proposed two storey and single storey extensions, conservatory and detached BBQ hut.	Approve with conditions
P172398/FH	Proposed two storey and single storey extensions.	Approve with conditions
P230446/F	Change of use of land to plant hire business and erection of a pole barn associated with this use, and erection of an additional building for a mixed use of plant hire business and domestic use.	Refused
P242892/ENF	Enforcement Appeal	Appeal Pending

4. Consultation Summary

4.1 Statutory Consultations

	Consulted	No Response	No objection	Qualified Comment	Object
Welsh Water	X		X	X	

4.1.1 Welsh Water Comment:

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

There seems to be no proposal to connect to the public sewerage system for this proposed development and therefore Dwr Cymru Welsh Water have no objection to this proposed application. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is proposed we must be re-consulted on this 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.

4.2 Internal Council Consultations

	Consulted	No Response	No objection	Qualified Comment	Object
Area Engineer (Highways)	x		x	x	
Trees	x		x	x	
Ecology	x		x		

4.2.1 **Team Leader Area Engineer comments:**

The application proposed does not seem significantly different from the previous application, therefore the comments raised before can be submitted.

The proposals are for a retrospective planning application to support the change of use of the site for use as a plant hire business.

The applicant states that the application would see an intensification of use but that the access would be acceptable as it is existing. No details have been provided with regard to visibility. Although the application is retrospective the visibility to the south is below standard, this can be improved significantly by cutting back of the hedge / vegetation and maintained thereafter. It is noted that the land either side of the access that would be required to achieve appropriate visibility is within the control of the applicant. It is therefore considered that appropriate visibility splays can be conditioned as part of any planning permission.

Subject to the following conditions the local highway authority therefore has no objections to the proposed development. It should, however, be noted that due to the site being accessed via a narrow single track lane with limited passing places the local highway authority would be unlikely to support further intensification of use of this site.

4.2.2 **Principal Natural Environment Officer (Trees) comments:**

I have reviewed the submitted information and have the following comments in relation to the arboricultural resource within the site.

As this is a retrospective application, damage to the trees on site may have already occurred. From aerial imagery, the largest trees are located on the northern boundary which is close to where one of the two new barns were constructed. If this was a proposed planning application, I would have requested information in the form of a BS5837:2012 tree survey and arboricultural impact assessment (AIA). This will identify the trees on site, confirm their quality and set out guidance to how the development would be implemented with minimal impact to the retained trees. It is unclear to whether any trees were removed to implement the development or if and where new trees were planted.

As the works have already been completed, I do not see any logic in requesting tree survey/AIA information. I do however consider that a landscaping plan should be submitted to indicate where trees have already been planted and where additional trees can be planted to increase the green infrastructure within the site. New tree planting will help mitigate any decline in existing trees as a direct result of the proposals already carried out. The landscaping plan can be requested as a planning condition if retrospective consent is granted.

4.2.3 Principal Natural Environment Officer (Ecology) comments

As agreed with Natural England where 'Full Householder' or other similar applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

From information supplied and available to the LPA this 'exemption' would be applicable in respect of this current application and the River Lugg SAC.

As a retrospective application it is not considered to require consideration for statutory Biodiversity Net Gain requirements.

It is noted that all construction is retrospective and any impacts on protected species due to construction will already have occurred and are not a matter for consideration by the LPA in respect of this application.

The potential for additional ecological disturbance due to any 'permanent' external lighting being operated in association with the proposed development is identified. A relevant condition to manage and control use of external lighting at or associated with use of the permitted development can be controlled and mitigated through an appropriate condition on any planning permission granted.

5. Representations

	Consulted	No Response	No objection	Qualified Comment	Object
Stoke Lacy Parish Council	x			x	
Public Consultation	x		4 x SUP		9 x Obj

5.1 Stoke Lacy Parish Council comments:

Stoke Lacy Parish Council considered this application at an extraordinary meeting held on Monday the 9th December 2024 which was attended by eleven members of the public including the two applicants. The parish council resolved to support this application but request that the planning case officer take the following concerns into consideration:

- 1. The business operating hours should not negatively impact nearby neighbours, therefore the parish council request that the LPA make this a condition should they approve the application. Page 10 of the Planning Statement dated October 2024 submitted by the applicants states that the business universally operates within standard working hours of 7.30am to 5pm. Page 6 of the Planning Statement dated February 2023 submitted by the applicants previously further states the business will operate Monday to Friday. The parish council consider these to be reasonable operating hours.*
- 2. The vehicles operated by the business should not create undue difficulty for residents and other road users, therefore the parish council request the LPA obtains confirmation from Highways that the access road (Woodend Lane) is suitable to support the vehicles operated by the business. Should Highways determine that additional passing places might be useful, perhaps the LPA might consider a S106 agreement.*

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242591&search-term=242591

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>

5.3 Comments made by local residents in objection to the application are summarised as follows:

- Public Highway unsuitable with insufficient passing places
- Future expansion of the site
- Noise and inappropriate working hours
- Surface water onto the public highway a potential flood risk
- Landscape impact from the type of development
- Adverse impact upon local residential amenity
- Inappropriate development within an otherwise residential area
- Damage to highway
- Surface water drainage report does not cover the existing bore holes nearby
- Use of the lane and surrounding footpaths is unsafe due to frequency of vehicle movements.
- Light pollution

5.4 Comments made by local residents in support of the application are summarised as follows:

- The site has had many previous uses
- Local business should be encouraged
- Policy supports rural businesses
- Proximity to other commercial sites including brewery
- Size of vehicles used by the business is relatively small
- Doesn't spoil amenity due to being relatively isolated
- No different to nearby farms which would use and clean bigger machinery

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Stoke Lacy Neighbourhood Development Plan (SLNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 In considering the principle of development the most up-to-date development plan document relevant to this site is the Stoke Lacy Neighbourhood Development Plan (SLNDP), specifically policy SL10.

6.4 Policy SL10 states that the following:

Development proposals for small scale tourism and rural enterprise will be supported in Stoke Lacy Parish where they conform to the relevant Design Codes and:

1. *Development comprises the sensitive conversion of former agricultural buildings or where new development is proposed, development is of a high design quality which is sensitive to the character of the surrounding rural area;*
2. *Schemes provide visitor accommodation or small business units to support local rural diversification and employment opportunities;*

Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

3. *Suitable and safe access is provided that encourages active travel modes as the preferred mode of transport, and there is adequate on-site car and cycle parking for visitors and occupants;*
4. *Applicants can demonstrate that the local highway network is adequate in terms of design and capacity to cater for any increases in traffic generation; and*
5. *The amenity of any neighbouring residential areas is protected, and noise, odour and light pollution are minimised.*

Of particular importance in this instance are points One, Four and Five of policy SL10 and constitute material planning considerations that shall be fully addressed below but noting also that these constitute forming the principle of development as well.

- 6.5 Policy SL10 of the SLNDP is echoed by policy RA6 of the Herefordshire Core Strategy (CS) whereby support is afforded proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported.
- 6.6 Policy RA6 goes on to state that local food and drink production, support/protect local commercial facilities – e.g. petrol stations, village shops, public houses and garden centres. Additionally support is offered to appropriate extensions to existing buildings, sustainable tourist proposals and the retention and diversification of existing agricultural businesses.
- 6.7 Policy RA6 goes on to state that planning applications submitted in order to diversify the rural economy will be permitted where they:
 - ensure that the development is of a scale which would be commensurate with its location and setting;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - do not generate traffic movements that cannot safely be accommodated within the local road network; and
 - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 6.8 Finally the NPPF is also a material consideration, recently reviewed and updated in December 2024. Para 88 states that planning decision should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing and well-designed new buildings. Paragraph 89 goes on to states that decision should recognise that sites to meet local business and community needs in rural areas may have to be located outside settlement boundaries and may not be well served by public transport. In these circumstances it will be important to ensure that 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.
- 6.9 Paragraph 89 also states that the use of previously development land, and sites that are physically well related to existing settlements, should be encouraged where opportunities exist.
- 6.10 In considering the type and nature of the business subject to this application, while the specific business itself is not specifically identified within policy SL10 or RA6, these policies do offer a level of support in general to the diversification of the rural economy. Additionally the NPPF offers support for *all types* of business in rural areas where these business uses are sustainable and appropriate within the local context.
- 6.11 Therefore in principle, subject to an appraisal of the material considerations as above, a general level of support in policy can be found for the proposed change of use and retention of both buildings.

6.12 Highways

In considering highways matters in regard to this proposal, policies SL10, RA6 are relevant and outline that proposals should demonstrate that the access and local highways network is capable of supporting any intensification in use. Similarly policy MT1 of the CS specifically deals with access and highways safety and states the following:

6.13 Policy MT1 of the CS requires that all development proposal take into full consideration their potential impact upon the local highway network, including and effects on highways safety and to include measure where appropriate to encourage sustainable and active forms or transportation.

6.14 I note the level of representation specifically regarding the unsuitability of Woodend Lane to accommodate the business use proposed and therefore the local highways authority have been consulted with their full comment as above. It is noted that the planning statement accompanying the application states that the proposal would result in an intensification of the existing use. The question here is whether the local highway network, particularly Woodend Lane can accommodate this use. The LPA's Highways Engineer did not offer an objection to the proposed scheme however, noted the limited number of possible passing places along a narrow single track road, no further intensification of the site would be supported.

6.15 It is also noted that no details of the visibility splay were provided and appropriately worded condition recommended in order to provide these details and any improvements to the visibility splay as required.

6.16 Ecology, Trees and statutory BNG

In considering the effects this proposal may have upon local ecology and trees, policies SL1 and SL2 of the SLNDP and policies SS6, LD2 and LD3 of the CS are relevant along with chapter 15 of the NPPF.

6.17 In considering the potential impacts upon local ecology as a result of the proposal, the LPA's Ecologist has been consulted and offer a response produced above.

6.18 In summary the proposal, as a commercial use and as agreed with Natural England is screened out of the Habitat Regulations Assessment process and given the retrospective nature of the application, is exempt from providing the statutory 10% Habitat biodiversity net gain uplift.

6.19 No objection to the application was offered however, in order to protect the intrinsically dark skies in and around the site location, a condition controlling the level of external illumination was suggested, benefitting the local ecology and landscape from inappropriate light pollution.

6.20 Given the location of previous trees on site and the likely removal of some in order to provide for the mixed residential and commercial use building, the LPA's tree officer has been consulted in order to address the likely impacts upon local green infrastructure.

6.21 While noting the retrospective nature of the application and the fact that trees were likely removed to accommodate building works, the LPA's Tree officer has indicated that a tree report would have been sought prior to works commencing.#

6.22 However, taking a positive and proactive approach to the application and in order to mitigate the potential harm in the loss of onsite green infrastructure, the LPA's Tree officer has suggested a condition securing a detailed soft landscape scheme to provide mitigation and enhancement for the potential loss of trees on site.

6.23 Drainage

Policy SL2 of the SLNDP as well as policies SD3 and SD4 of the CS outline specifically the need for proposals to sufficiently demonstrate that no adverse impact upon flood risk or potential pollution of water courses is likely as a result of development.

- 6.24 In the previous application 230446/F one of the reasons for refusal was a lack of information in relation to surface water drainage for the site. This application seeks to address this through the submission of a surface water drainage report. The report satisfactorily demonstrates that a surface water drainage scheme as proposed can accommodate the increase in surface water runoff as a result of the development proposed. As such, a condition to secure the full implementation of the proposed surface water runoff scheme is suggested.
- 6.25 Landscape and Design
Policies SL1 and SL6 of the SLNDP as well as policies LD1 and SD1 of the CS seek to conserve and protect landscape character as well as secure good and sustainable design.
- 6.26 The inherent nature of the proposed business use is likely to lend itself to some adverse impact upon the landscape character as a result of storing plant machinery and welfare units etc in the open.
- 6.27 Having visited the site and surrounds, the site itself is relatively well screened from publically accessible viewpoints and neighbouring dwellings however, the site is visible from the road near the Wye Valley brewery and the usual high visibility colouring of plant machinery would mean that there is likely to be some adverse impact upon the landscape as a result of the proposal.
- 6.28 It is considered that the previously suggested soft landscaping scheme can mitigate this adverse impact to a degree that would be supportable and therefore should be considered in accordance with policies SL1 and LD1 of the statutory development plan.
- 6.29 In considering the design of both buildings as part of this application, both are designed and constructed in a manner and with materials that are commonly found within a rural and agricultural setting, ensuring congruity with neighbouring land uses.
- 6.30 Amenity and other matters
The application seeks retrospective planning permission for a change of use of land from equestrian to business use for an established plant hire business. This comes with an intensification of vehicle movements along the highway with vehicles that also contribute to an increase in noise levels. As reported within letters of representation there are adverse impacts upon the private residential amenity of the local residential dwellings as a result of traffic movement along the lane, especially at inappropriate hours both during the week and weekends.
- 6.31 Woodend lane is an unclassified, adopted public highway with several different uses along it. However, the use of the land in question for plant hire business operations is accepted to cause an intensification in use of the highway for deliveries to and from the site with large vehicles. However, the applicant has reported that the usual hours of operation are between Monday and Friday between the hours of 07:30 and 17:00. Business operations outside these times especially the movement of plant machinery would result in an unacceptable adverse impact upon the private residential amenity of local residential dwellings as a result of the intensification of larger vehicles operating within the site and along Woodend Lane.
- 6.32 While Environmental Health colleagues have not commented on this application, they had made comment on the previous application which of itself is a material planning consideration. Their comment offered no objection to the proposal subject to an hours of operation and lighting condition to be imposed.
- 6.33 As such a compliance condition limiting vehicle movements within the red edge of the location plan, in association with the proposed business use is suggested. This would limit the hours where vehicles can operate on site and along the land to within 07:30 and 17:00 Monday-Friday inclusive.

- 6.34 Additionally the red line of the application site is such that it leaves little scope for further expansion whereby limiting any intensification in the use of the site and lane beyond the level considered within this application. Further intensification would not be supported due to adverse impact upon amenity and highway safety concerns.
- 6.35 Planning Balance
In considering the application here issues including the appropriateness of the local highway to cope with traffic use for the business, adverse impacts upon the residential amenity of nearby properties and the loss of green infrastructure should be balanced against the benefits of development at the site. These benefits include support for an established local business, inherently supportive of the local built development industry, diversification of the rural economy and securing enhancement for local green infrastructure.
- 6.36 In considering the issues material to the site as a whole and the suggested conditions as detailed below, the identified adverse impacts can be sufficiently controlled via condition to a degree that would effectively mitigate these impacts to find accordance with the NPPF and relevant statutory development plan policies.
- 6.37 Conclusion
In considering the application as a whole, including appropriate conditions to control identified impacts, on balance the application is recommended for approval subject to 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:

1. Development in accordance with the approved plans

The development shall be carried out strictly in accordance with the approved plans (22_1235A – 001 REV 03, 22_1235A – 003 REV 02, 22_1235A – 005 REV 01, 22_1235A – 006 REV 01), 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.

2. Landscape Scheme

Within 3 months of the date of this permission, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained**
- b) Trees and hedgerow that have been removed.**
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- d) All proposed and existing boundary treatment.**
- e) A schedule of landscape maintenance for a period of 5 years**

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 SL1 of the Stoke Lacy Neighbourhood Development Plan and the National Planning Policy Framework.

3. Implementation

All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the discharge of condition 2 of this permission. 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 SL1 of the Stoke Lacy Neighbourhood Development Plan and the National Planning Policy Framework

4. Within 3 months of the date of this permission, evidence that the surface water drainage scheme as proposed within the Sustainable Drainage Assessment by GeoSmart (dated 15/04/2024) has been implemented in full. The surface water drainage arrangements shall be maintained as approved thereafter.

Reason: To prevent the increased risk of flooding and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5. Within 3 months of the date of this permission, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 30 metres in each direction. Due to the narrow nature of the access road the visibility splay will be permitted to be measured to the centreline of the adjoining carriageway. Thereafter, nothing shall be planted, erected and/or allowed to grow on the triangular area of land formed which would obstruct the visibility described above.

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

6. Within 3 months of any planning permission being granted the development hereby permitted shall provide full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the business. This shall be submitted to the Local Planning Authority for their written approval. Once approved the covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use by staff. Thereafter these facilities shall be maintained;

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

7. No more than the 3 vans confirmed to operate from the site shall operate from or be stored at the site at any one time.

Reason: To prevent any further intensification of the use of the site and Woodend Lane, which would result in an adverse impact upon the safety of the public highway and to accord with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. The loading and unloading of delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 0730 to 1700 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. No artificial lighting features, including but not limited to floodlighting and other internal or external lighting associated with the approved development shall be illuminated across any period between sunset and sunrise without the prior written approval of the local planning authority. The use of ‘low glow’ or ‘no glow’ infrared security lighting associated with security for the commercial use of the site is acceptable.

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. Application Approved Without Amendment

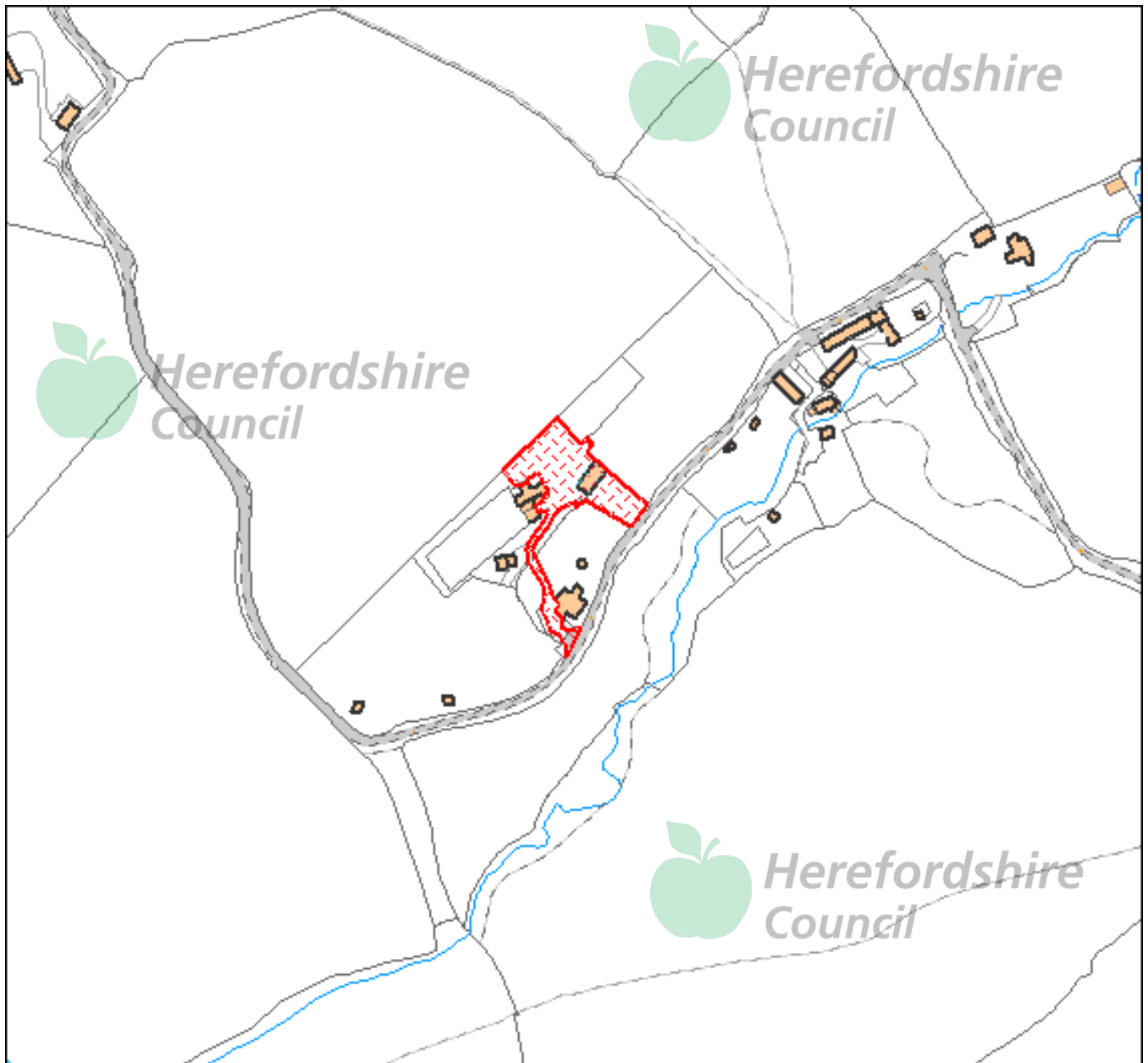
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Decision:

Notes:

Background Papers

None identified.



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APPLICATION NO: 242591

SITE ADDRESS : LAND AT LOWER WOODEND, STOKE LACY, HEREFORDSHIRE, HR7 4HQ

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Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

