

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 13 March 2024 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Catherine Gennard, David Hitchiner, Justine Peberdy, John Stone, Richard Thomas, Kevin Tillet and Diana Toynbee

In attendance: Councillors Jacqui Carwardine, Mark Dykes and Helen Heathfield

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

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Elizabeth Foxton, Peter Hamblin, Dan Powell and Stef Simmons.

65. NAMED SUBSTITUTES (IF ANY)

Councillor David Hitchiner acted as a substitute for Councillor Foxton

Councillor Justine Peberdy acted as a substitute for Councillor Simmons

Councillor Kevin Tillet acted as a substitute for Councillor Dan Powell

66. DECLARATIONS OF INTEREST

There were no declarations of interest.

67. MINUTES

RESOLVED: That the minutes of the meeting held on 17 January 2024 be approved.

68. CHAIRPERSON'S ANNOUNCEMENTS

The Chairman explained that application 233225, 182 Ledbury Road, Hereford, HR1 1RH, had been withdrawn for consideration at the current meeting and would return to a later committee date.

69. 213413 - GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ (Pages 21 - 24)

The Development Manager North Team provided a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Stock, spoke on behalf of Colwall Parish Council, Mr Barnes spoke in objection to the application on behalf of local residents and Mr Yardley, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. A number of local objections had been raised to the proposal locally. The proposed development was located in a national landscape and was not sympathetic to the Malvern Hills area of outstanding natural beauty (AONB). It was not considered that the application met the conditions of paragraph 84 (e) of the National Planning Policy Framework (NPPF). There was an oversupply of 4 bedroom houses in the locality and the development site was not in an isolated position but was on the edge of the settlement. If the committee approved the application it would set a precedent and place a pressure on the committee to approve all similar applications.

The committee debated the application. There was division among the members of the committee.

There was support for the officer recommendation among some members of the committee.

There were objections to the development among other members of the committee who considered that:

- The proposal did not meet the standard of exceptional quality or innovative design, contrary to Core Strategy Policy RA3 (6) and in accordance with paragraph 139 of the NPPF;
- The location of the application site was in a rural area and due to the size and scale of the development did not meet a local housing need contrary to paragraph 82 of the NPPF; and
- The scale and design of the building was not sensitive to the defining characteristics of the local area contrary to paragraph 84 (e) of the NPPF and did not further the purpose of conserving and enhancing the Malvern Hills AONB, contrary to section 85 of the Countryside and Rights of Way Act 2000.

The local ward member was given the opportunity to close the debate. The impact of the development on the landscape was unacceptable. The design, size and setting of the building was not sympathetic to the AONB.

Councillor Bruce Baker proposed and Councillor Dave Davies seconded the approval of the application in accordance with the case officer's recommendation. The motion was put to the vote and was lost by a simple majority.

Councillor Richard Thomas proposed and Councillor Polly Andrews seconded the refusal of the application for those reasons in objection as set out above. The motion was put to the vote and was carried by a simple majority.

RESOLVED: That planning permission is refused due to:

- **The proposal does not meet the standard of exceptional quality or innovative design, contrary to Core Strategy Policy RA3 (6) and in accordance with paragraph 139 of the NPPF;**
- **The location of the application site is in a rural area and due to the size and scale of the development does not meet a local housing need contrary to paragraph 82 of the NPPF; and**
- **The scale and design of the building is not sensitive to the defining characteristics of the local area, contrary to paragraph 84 (e) of the NPPF and does not further the purpose of conserving and enhancing the Malvern**

Hills AONB, contrary to section 85 of the Countryside and Rights of Way Act 2000.

There was an adjournment at 10:56 a.m.; the meeting reconvened at 11:09 a.m.

70. 231703 - THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP (Pages 25 - 36)

Councillor Kevin Tillett left the committee to act as the local ward member for the following application.

The Principal Planning Officer provided a presentation of the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to the minutes.

In accordance with the criteria for public speaking a statement was read on behalf of Mr Machin, in objection to the application and Mr Waldren, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the adjoining local ward member spoke on the application. He explained that he was speaking on behalf of the three local members whose electoral divisions were materially impacted by the proposal. The proposed demolition of the three counties hotel constituted the loss of a community asset. There was a limited number of hotels locally and the existing hotel on the site was a useful facility for: visitors to the south side of the Wye; a venue for celebrations and conferences; and a public bar for the local community. There was concern that the proposal would adversely impact upon retail and footfall in the city centre which had been suggested by a report from JW Planning in assessment of the application. The design of the building was not felt to be sympathetic to the predominant red brick developments locally. There was concern regarding drainage on the site; until January 2024 the drainage officer had objected to the application. The drainage conditions required additional plans to be submitted therefore the committee did not have all necessary information in this area to come to a decision. There was also a concern that shopping trolleys from the supermarket would be disposed in local waterways and cause blockages and flooding. There was an error in the ecologist's report concerning the identification of gulls in the local area and it was queried whether the rest of the report could be treated as credible. The critical issue concerning the site was traffic and highways problems; this was the overwhelming area of objection to the application. The highways assessments in the report were not plausible given the local knowledge of queuing traffic and congestion on the Belmont Road. The local highways did not have sufficient capacity for the development and there were safety concerns regarding the proposed right hand turn to exit the store.

The committee debated the application. There was division among the members of the committee.

There were objections to the development among some members of the committee who considered that:

- The proposal would cause unacceptable impacts on highway movements, and the right hand turn exit from the site would pose highway safety concerns contrary to core strategy policies SS4 and MT1;
- The design and scale of the building was out of keeping with the local area and the impact on the local area was unacceptable, contrary to core strategy policies SS6 and LD1; and

- The proposal would undermine retail and footfall in the town centre and fail to maintain and enhance the vitality and viability of the city centre, contrary to core strategy policy HD2.

There was support for case officer's recommendation among other members of the committee.

Councillor Bruce Baker proposed the approval of the application in accordance with the case officer's recommendation. The proposal was not seconded and not moved.

Councillor Polly Andrews proposed the deferral of the application. The proposal was not seconded and not moved.

Councillor Justine Peberdy left the meeting at 12:38 p.m.

The adjoining local ward member was given the opportunity to close the debate. He explained that the application should be refused on the grounds of: loss of a community asset, contrary to core strategy policy SC1; the impact on retail in the town centre contrary to core strategy policy HD2; the size and scale and its unacceptable impact upon the local area, contrary to SS6 and LD1; and the lack of detail concerning the drainage plans.

Councillor Richard Thomas proposed and Councillor Simeon Cole seconded the refusal of the application for those reasons in objection as set out above. The motion was put to the vote and was lost by a simple majority.

Councillor Bruce Baker proposed and Councillor Dave Davies seconded the approval of the application in accordance with the case officer's recommendation. The proposal was put to the vote and 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)

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

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

2 Approved Plans

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

- 2768 P4400 Site Location Plan
- 2768 P4402 Existing Site Plan
- 2768 P4403 GEA of Existing Building Areas
- 2768 P4404/H Proposed Site Plan
- 2768 P4405/F Proposed Surfacing Plan
- 2768 P4406/G Proposed Tree removal Plan
- 2768 P4407/F Proposed Boundary treatment plan
- 2768 P4408/K Proposed Levels Plan

- 2768 P4409/F Site Plan and Utilities
- 2768 P4410/F Proposed site Tracking
- 2768 P4416 Existing buildings to be demolished
- 2768 P1100 Proposed Floor plan
- 2768 P1101 Proposed Roof Plan
- 2768 P2201/A Proposed Elevations
- CA HFD 2022-01 Rev E Hereford Tree Survey and Existing Features
- CA HFD 2022-02 Rev F Hereford Overlay and Tree Protection
- CA HFD 2022-03 Rev D Hereford Landscape Proposals
- CA HFD 2022-04 Rev A Hereford Landscape Sections
- CA HFD 2022-05 Rev B Lidl Hereford Willow and Cherry Close up
- CA HFD 2022-06 Lidl Hereford Car Park Tree Section
- CA Lidl Hereford Planting Methodology and aftercare rev 22 October 2022
- CA Hereford Planting Schedule rev 22 October 2022
- 22-00767/05/G Proposed Highway Works - Right Turn Ghost Island and Active Travel Improvements

except where otherwise stipulated by conditions attached to this permission.

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

Prior to Commencement

3 Construction Management Plan

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

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan
- Hours of working
- Location of any welfare buildings and site compounds / storage areas

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

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

4 Construction Method Statement (CMS): Noise

Prior to the commencement of the development a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following:

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

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

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

5 Habitat Regulations (River Wye SAC) Construction Environmental Management Plan

Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including 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 and local habitats 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.

6 Material Resource Audit

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

- The amount and type of construction aggregates required and their likely source;
- the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the

- **construction phase;**
- **The type and volume of waste that the development will generate (both through the construction and operational phases);**
- **On-site waste recycling facilities to be provided (both through the construction and operational phases);**
- **The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;**
- **End of life considerations for the materials used in the development; and**
- **Embodied carbon and lifecycle carbon costs for the materials used in the development.**

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and Emerging Policy SP1: Resource Management of the Minerals and Waste Local Plan.

7 Surface Water

Prior to any development commencing on site full details of a surface water drainage design plans shall be submitted including the submission of construction drawings and associated calculations and the development to be carried out in accordance with the approved details.

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

8 Drainage

Prior to any development commencing submission of trial pit information confirming the route of the 450mm pipe that has been identified which carries flow into the site (referred to as SW1 on the survey) as well as details of how inflow from this pipe will be provided for shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

Prior to the first occupation/other stage conditions

9 Materials

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

out in accordance with the approved details.

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

10 Noise Mitigation

Prior to the first use of the food store hereby approved, the proposed noise mitigation in the form of acoustic fencing with a minimum density 10kg/m², as detailed in the noise assessment, shall be erected. The noise mitigation shall be retained for so long as the use hereby authorised remains on site.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6 and SD1, of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11 Car Parking

Prior to first use of the food store hereby approved, the parking and manoeuvring facilities shall be completed in accordance with drawing P4404 rev H. Thereafter, these parking facilities shall be retained and maintained for the duration of use and shall not be used for any other purpose.

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

12 Rodent Survey

Prior to the commencement of the development a proposal for the survey and treatment of rodents in the vicinity shall be supplied to the authority for approval in writing.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

13 Highway Works

Development shall not begin in relation to any of the specified highways works as detailed on dwg 22-00767/05 rev G by Corun), until details of the works have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. If relocation of the Speed Camera is required consultation should be undertaken with west Mercia Police in conjunction with the Local Highway Authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

14 Travel Plan

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

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

15 Cycle Provision

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

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

16 Waste Storage

Prior to the first use of the food store hereby approved, suitable provision for storage of waste and waste collection areas should be provided in accordance with details that shall have been submitted and approved by the Local Planning Authority that allows or the convenient storage of waste and unrestricted access at all times. Such waste collection areas shall be retained for so long as the use hereby authorised remains on site.

Reason: In the interest of amenity in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

17 Habitat Regulations (River Wye SAC) – Surface Water

With the exception of any site clearance and groundworks, no development shall commence until a fully detailed Sustainable Drainage Systems to manage all surface water shall be supplied for written approval by the Local Planning Authority. The proposed scheme must provide detailed certainty on how all pollutant contaminants from

vehicular and other use of the site are fully removed and managed prior to any final discharge of surface water from the site in to the Newton Brook. The approved scheme shall be implemented in full prior to the first use of and hereafter maintained unless otherwise approved in writing by the Local Planning Authority

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3

18 Landscape Maintenance

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:
Specifications for operations associated with plant establishment, watering plans and maintenance that are compliant with best practise.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

19 Lighting Scheme

Prior to first use of the food store hereby approved any external lighting proposed to illuminate the development including detailed plans, illumination levels and luminaire specifications shall be supplied to the Local Planning Authority for written approval. The approved scheme shall be implemented and hereafter maintained and operated.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Core Strategy policies SD1.

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, SD1 SS6, LD1-3.

20 Planting Methodology

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the details specification within the approved document "CA Lidl Hereford Planting Methodology and aftercare rev 22 October 2022" produced by Corscadden Associates within the next planting season (October to April) but no later than two

years from the date of this Consent and thereafter retained.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

21 Arboricultural Works

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

- **Arboricultural Method Statement Report rev 22Oct2022 produced by David Rice Forestry**

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

22 EV Charging Point

With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the 2 electric vehicle charging points proposed within the food store car park have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions of the National Planning Policy Framework.

23 Biodiversity Net Gain

With the exception of any site clearance and groundworks, no development shall commence until written detailed scheme and annotated location plan for the proposed biodiversity net gain enhancement features referenced in paragraph 10.10 of the Ecology Survey Report (Just Mammals, October 2022) including provision of ‘fixed’ habitat features such as habitat boxes supporting a range of bird species and pollinator homes have been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and hereafter maintained as approved.

**Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.
Compliance**

24 Public Sewage Network

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 and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

25 Visibility Splays

The visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 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 and the National Planning Policy Framework.

26 Use Class

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order, with or without modification), the foodstore hereby permitted shall be used mainly for the sale of food falling within Class E(a) of the aforementioned Order and for no other use and no more than 80% of the net sales area shall be used for the sale of convenience goods and no more than 20% of the net sales area shall be used for the sale of comparison goods.

Reason: In order to protect the vitality and viability of Hereford City centre in accordance with Herefordshire Local Plan – Core Strategy Policy E5, Paragraphs 86 to 91 of the National Planning Policy Framework.

27 Permitted Development rights

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, C, E, of Part 7 of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

28 Site Management Plan: Trolleys

The Site Management Plan set out in Lidl's letter dated 24 October 2023 shall be implemented in full upon first opening of the store for trading purposes and shall continue to be implemented for the lifetime of the development. As set out in the Site Management Plan, the management regime shall comprise:

- Installation of Gatekeeper trolley system;
- Weekly briefing of relevant staff on the sensitivity of the site and local area to flooding and the importance of spotting and remedying any blockage of Newton Brook and the associated culvert to the local system;
- Twice annual inspection of the piped culvert linking the new and historic channel of Newton Brook and piped outfall to Newton Brook to ensure water is freely flowing. If water is not free flowing, and in any event biennially, undertake CCTV survey of the piped culvert linking the new and historic channel of Newton Brook. If a blockage or obstruction is found, undertake repair / maintenance to remove the blockage as required;
- Daily visual inspection of Newton Brook west of the site both upstream and downstream of the site. If a blockage or obstruction is found, take efforts to remove Lidl shopping trolleys if safe to do so and report to Herefordshire Council if appropriate or necessary."

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

29 Foul Water

All foul water shall discharge through connection to the existing local 'Hereford-Eign' mains sewer system managed by Welsh Water

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

30 Service Vehicles

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall be restricted to no earlier than 07:00 Monday to Saturday and no later than 22:00. Hours of delivery on Sundays and Bank Holidays shall be restricted to between 10:00 and 16:00.

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.

31 Hours of opening

The food store hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays (including Bank Holidays) and 10:00 to 16:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

32 Single Unit

The retail unit (Class E) hereby approved shall trade as single retail unit and shall not be subdivided into separate smaller retail units.

Reason: In order to minimise the impact of the proposed development on the vitality and viability of Hereford City Centre, in accordance with policy E5

33 Display of goods in car park

No goods shall be displayed for sale in the car park or landscaped (hard and soft) areas as shown on the approved plan.

Reason: To manage the retail sales element of the development and protect the visual amenities of the site in accordance with policy

34 Vehicular Access

The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

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

35 Gates/Barriers

Any new access gates or barriers shall be set back 7 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

Informatives

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

2 Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act

1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirement

3 Signage

The applicant is advised to take appropriate professional advice in relation to whether advertisement consent is required for any new outdoor signage.

4 Highways Design Guide and Specification

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

5 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 Travel Plans

In connection with Condition 14 the applicant is advised that in the case where a Travel Plan currently exists the Condition will require a full review of the Plan and a revised submission to the Council.

7 Annual travel Plan Reviews

In connection with Condition 14, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

8 Drainage other than via highway system

It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

9 Works adjoining highway

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).

10 Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic

11 Disabled needs

The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.

12 Design of street lighting for Section 278

The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system

13 Brightness of illuminated signs

The brightness of the floodlit surface, or illuminated sign face, shall not exceed the values stipulated in the Institution of Lighting Engineers

Technical Report No. 5: 1991 "The Brightness of Illuminated Advertisements".

14 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.

15 Section 278 Agreement

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

16 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.

17 Private apparatus within highway

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact

that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

Councillor Kevin Tillet resumed his seat on the committee.

71. 240148 - THE PILGRIM HOTEL, MUCH BIRCH, HEREFORD, HEREFORDSHIRE, HR2 8HJ

The Planning Officer provided a presentation on the application.

In accordance with the council's constitution a statement from the local ward member was read to the meeting. It was confirmed that the application was policy compliant and the committee was asked to support the ongoing improvements to the Pilgrim Hotel.

The committee debated the application. There was support for the officer recommendation.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion to approve the application in accordance with the case officer's recommendation. The motion was put to the vote and was carried unanimously.

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

1. Time limit for commencement (full permission)

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

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

2. Development in accordance with approved plans and materials

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 024-001_007, 024-001_05) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

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

the National Planning Policy Framework.

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

The meeting ended at 1.15 pm

Chairperson

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th March 2024
TITLE OF REPORT:	213413 - PROPOSED ERECTION OF A DWELLING OF OUTSTANDING DESIGN AND ACCOMPANYING WORKS, INCLUDING A NEW ACCESS, EXTENSIVE LANDSCAPING, BIODIVERSITY IMPROVEMENTS, AND DRAINAGE ARRANGEMENTS AT GLENWOOD SPRINGS, CHASE ROAD, UPPER COLWALL, HEREFORDSHIRE, WR13 6DJ For: Mr Yardley per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

Email received 8th March: Malvern Hills National Landscape Team Assistant Manager

The Malvern Hills National Landscape Team have reviewed the officer report for this application which you are to consider at your meeting on Wednesday 13 March. We wish to make several observations.

Legislative Duty

At Section 2.5 of the report, the officer errs in respect of legislation and a factually misleading statement as to members' statutory duties is presented. As part of the Levelling Up and Regeneration Act (2023), Section 245 (Protected Landscapes) introduced legislation which came into effect 26 December 2023, amending Section 85 of the Countryside and Rights of Way Act (2000), which now requires *"in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to **further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty**"* (Section 85(A1) of the Countryside and Rights of Way Act, 2000).

This inherently strengthens the previous duty to 'have regard' which the officer refers to. We feel it is critical that members are clear on their current legal statutory duty as Herefordshire Council is a 'relevant authority'. Failure to correctly discharge a statutory duty when determining an application, particularly when legislation is incorrectly cited, could be a prima-facie ground for judicial review.

Misapplying of policy/weighting in the context of housing land supply position

The Council has a five-year housing land supply and housing policies within the Council's Core Strategy can be considered 'up-to-date'. The Colwall NDP is also 'made' (adopted). Section 6.60 of the report states, "on the basis that the proposal complies with policy RA3(6) of the Core Strategy, the proposal is fully policy compliant". Policy RA3 clearly states, "In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria: 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 [now 84 as per the 2023 revision] of the National Planning Policy Framework and achieves sustainable standards of design and construction".

If the proposal is considered to comply with Policy RA3, it must be assessed against Paragraph 84 rather than paragraph 139, but this is not clear from the officer report. Paragraphs 84 and 139 houses demand different architectural responses and must meet different criteria. Analysis of previously dismissed appeals reveal the potential drawbacks of overlooking this distinction e.g. an appeal in Bath and North East Somerset (Appeal. Ref: 3208289). Whilst both policies require development to be 'outstanding', the latter (Para 139) must be sensitive to surroundings and regard local design policies, the former (Para 84) often has a 'stand-out' approach. We consider that Policy RA3 requires the proposal to be assessed against Paragraph 84 not Paragraph 139, as inferred at 6.22 of the report. If officers do not consider the proposal to align with Paragraph 84 because it is not 'isolated', how can it accord with Policy RA3(6) and be policy compliant?

Applications for Paragraph 84 and Paragraph 139 developments within National Landscapes are few and far between. Given recent revisions to the NPPF, this 'test case' application will contribute to planning case law. If you are unsure about the proposals, we advise you to refuse planning permission to enable the Planning Inspectorate to make an appropriate judgement.

Credentials of the development - Innovation and sustainability

Whether the proposal is judged against Para 84 or 139, the design should be outstanding. In the case of Para 139, it should demonstrate state of the art technologies and new products which push the sustainable housing envelope in ways which are new and innovative. We draw the committee's attention to the fact that the 'innovative design' approach set out, particularly sustainability, is not new and appears to be very similar to a proposed dwelling at Flow House, Ullingswick (P202412/F and P221177/F), where Tesla Batteries and Earth Energy Bank storage was also promoted. Both applications were refused by this committee as it was not representative of innovative sustainable development and was deemed to harm landscape character and visual amenity. Fabric first approaches are also not unique and are found in many applications presented to you. The same applies to other 'innovative' sustainability measures presented in this application.

Form and scale

We consider that there are some good elements of the proposed development such as the work on colour but the proposed building, overall, shares similarities with modern architectural approaches found elsewhere in the country and the local area, including existing design methodology and technologies. The exceptionally large building footprint (680m²) does not add to the sense of local distinctiveness i.e. does not fit in with the overall form and layout of buildings close by. No assessment of this appears in the report. There are no planning conditions which require the supposed 'innovative' credentials to be secured, leaving little control for enforcement. This significantly diminishes any positive weight which should be attached to the dwelling's sustainability credentials.

Conflict with Colwall NDP

Policy CD8 of the 'made' Colwall NDP states that proposals in the open countryside outside the settlement boundary of Colwall, notwithstanding being required to establish the principle of development, are also required to respond positively to the relevant design principles relevant to landscape character type. Does this three storey dwelling (noting the ground floor, first floor and second floor plans) relate to the following criteria of 'Principal Wooded Hills' which the site lies within: "11. New development, alterations and conversions should respect the characteristic simple plan form and small scale of no more than two storeys."

Planning Conditions

Many details intend to be dealt with by discharge of conditions. Many of the proposed schedule of conditions do not meet the six tests of Planning Practice Guidance in respect of 'Use of Planning Conditions', and having regard to the recently introduced Paragraph 140 of

the NPPF, including conditions 2, 4, 5, 7, 8, 9, 12 and 15. There is nothing to stop the applicant, for instance, from erecting a 2 metre high close board fence around the entire application site, which may fundamentally alter many of the currently suggested visual effects upon the National Landscape, or of occupying the dwelling without a landscaping scheme which is appropriate for the AONB designation.

Summary

We accept the proposal has some merits, but do not consider it to be the 'exceptional quality and innovative design' that the very high-bar of Policy RA3(6) of the Core Strategy clearly requires. We consider the application to conflict with Policies RA3, LD1 and SD1 of the Council's Core Strategy, Policy CD8 of the Colwall NDP, Paragraphs 84 and 139 of the National Planning Policy Framework (December 2023), and the Malvern Hills AONB Management Plan 2019-2024.

We urge the committee to refuse the application.

Email received 8th March: Tompkins Thomas (applicant's agent)

Please find attached a Construction Traffic Management Plan (CTMP) as required by condition 5 of the planning application. Movement of construction vehicles seems to be a major concern of locals, particularly the MHT, so the applicant has commissioned the attached in advance of the meeting to allay any fears in this respect.

A copy of the CMTP is included as an appendix to this update.

OFFICER COMMENTS

With regard to legislative duties, the comments from the Malvern Hills National Landscape Team Assistant Manager are noted and Members should apply and be cognisant of the amended wording of Section 85 of the Countryside and Rights of Way Act (2000) as set out above, and must consider whether the scheme furthers the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty

Officers take the view that the proposal does further the purpose of conserving and enhancing the AONB. Whilst not explicitly expressed in such terms, paragraphs 6.35 and 6.40 of the officer's report refer.

The comments from the Malvern Hills National Landscape Team Assistant Manager suggest a misapplication of policy in respect of policy RA3 and the requirement to apply it in respect of paragraph 84 as opposed to 134 of the NPPF. Officers accept that there is a degree of tension here, but the NPPF, as with the policies contained within the Core Strategy and the Colwall NDP, should be read in their entirety rather than applied individually.

RA3(6) of the NPPF refers to paragraph 55 of the NPPF, which is now superseded by paragraph 84. Paragraph 84 refers to the development of "...*isolated homes in the countryside*..." It is clearly evident that the site is not 'isolated', but it is entirely irrational to suppose that it's intention is to only allow schemes that are truly isolated and not schemes, such as this, which achieve high quality of design and sustainability but lie at the fringes of settled areas.

The comments from the Malvern Hills National Landscape Team Assistant Manager are not clear as to why the recommended conditions do not meet the tests of the Planning Practice Guidance. It is however acknowledged that condition 15, which seeks to remove permitted development rights, does not include boundary fences and walls. It is therefore proposed to amend the wording of condition 15 to reflect this.

With regard to the CMTP the Council's Transportation manager has commented as follows:

I have reviewed the CTMP and there are a few points which need clarifying:

- 1) The method for wheel washing needs to be specified, e.g. jet wash
- 2) The Layby for construction vehicles – this should be constructed with a 225mm compacted sub-base as it will be a fairly permanent feature (1-2 years) rather than the matting or crushed stone as referenced in Section 8.2. In addition, it would need to be removed in its entirety and the grass verge reinstated
- 3) It is understood that staff and visitors would park within Glenwood Paddock – a plan showing what land would be set aside and how it will be surfaced should be included within the CTMP.

At this stage I cannot agree to the discharge/removal of the condition without the above information.

CHANGES TO RECOMMENDATION

Condition 15 is to be re-worded as follows:

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

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13th March 2024
TITLE OF REPORT:	231703 - DEMOLITION OF EXISTING HOTEL AND ASSOCIATED STRUCTURES AND ERECTION OF CLASS E FOODSTORE WITH ASSOCIATED ACCESS, PARKING, SERVICING, DRAINAGE AND LANDSCAPING. AT THREE COUNTIES HOTEL, BELMONT, HEREFORD, HR2 7BP For: Lidl Great Britain Ltd per Mr Peter Waldren, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

ADDITIONAL CONSULTATION RESPONSES

Email: received 5th March 2024: Richard Machin 10 Glastonbury Close

Good Afternoon,

To whom it may concern, firstly I would like to say how disappointed I am to discover that the Planning Committee would be running a meeting, on a Wednesday at 10am. Considering the majority of people work Mon-Fri 9-5 at a minimum this means I am unable to attend the meeting as I will be at work. As I am sure is the same for many others who would appreciate the chance to give their point of view in person.

With that said I would like the following OBJECTION put on record for the meeting.

My stance on the application for the Lidl Supermarket hasn't changed from my previous objection.

- Lidl have done nothing to alleviate my concerns around the noise that will basically be right outside my bedroom window. Day and Night.
- The loading bay will run along the rear of many peoples properties and the loading area will be directly outside my bedroom window again. Noise between 7am-11pm in what is now a quiet residential area. Will now be ruined again by big business.
- The Freezer and Chiller storage and A/C units again are on the building directly adjacent to my bedroom windows. Which will run 24/7 affecting my quality of sleep, health and life.
- Seagulls are already a huge issue across other buildings and units, that are of similar style and will no doubt cause a hygiene issue. This issue is evident across the city already. With little ever done to resolve this due to their protected nature.
- The traffic on the Belmont Road is already horrendous, and I see no way that the alleged improvements will make any difference. Only bringing in more traffic to an already congested road.
- The destruction of a perfectly usable and viable building seems against any logic and isn't environmentally friendly. A Greener Herefordshire seems like a pipe dream if you're happy to demolish perfectly good buildings, this isn't logical or environmentally friendly. When we are meant to be working towards a Greener County, and a better world for our children.

- South Hereford is in desperate need of a fully functional community centre. To me logically this building could be used as a pub/restaurant and community centre. Or just a hotel as it already is.
- The destruction of this hotel is going to create endless mess and noise, then the construction of the new building is going to do exactly the same thing. All of this in what is again a quiet residential estate. We already have Tesco's, Asda, Farm Foods and now a Morrisons Local within a mile of each other. In beggars belief that anyone can honestly see the sense in having another supermarket that close to the others.

Surely out by the Roman Road where there is 4 to 5 new estates would be more sensible.

Email: received 5th March 2024: Kirsty Craven 10 Glastonbury Close

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- South Hereford is in desperate need of a fully functional community centre. To me logically this building could be used as a pub/restaurant and community centre. Or just a hotel as it already is.

The destruction of this hotel is going to create endless mess and noise, then the construction of the new building is going to do exactly the same thing. All of this in what is again a quiet residential estate. We already have Tesco's, Asda, Farm Foods and now a Morrisons Local

within a mile of each other. In beggars belief that anyone can honestly see the sense in having another supermarket that close to the others.

Surely out by the Roman Road where there is 4 to 5 new estates would be more sensible.

Email: received 11th March 2024: Kirsty Craven, 10 Glastonbury Close

I object to the planning application for the demolition of The Three Counties Hotel and the building of a Lidl supermarket. I have extreme concerns relating to not only light, noise and traffic pollution from the demolition, building and completion of this project, but also the flood risk brought on by filling in the pond. The pond is linked to the Newton Brook which runs along Glastonbury close and as the environment agency have advised, it will increase the risk of flooding in the area. It would appear that the correct measures won't be put in place and even so, why upset a system that is working just fine without a single flood for as long as I've lived here, which is 23 years.

I am extremely confused as to why this would even be considered an option, as this could potentially flood people's homes, or even put the lives of humans and animals in danger. The EA has objected to this more than once due to this risk, so why even leave this to chance when people could end up having their homes ruined and suffer other ramifications such as issues listed above including problems with insurance etc. I'd like to think that the planning department are there to protect people from things like this, not put people's property at risk.

Right now, we have a perfectly good hotel in front of our house that is lowly lit, in keeping with the area, and has never caused us problems with constant noise or given us reason to believe that they could sabotage our property with floods, and now we're told this is going to be replaced with a heavily lit, seagull attracting, metal and glass supermarket, with constant noise, and could put our house at risk of ruin. How can I do anything other than object? This should be kept as a hotel/restaurant and the pond should be left well alone.

I have been told that there will be many new houses built in Rotherwas and around Roman road. As there are no supermarket options of any great magnitude in those locations, I feel a supermarket would be far better utilized in those places, as we have plenty. As far as extra jobs are concerned, the hotel was already employing plenty of staff in the first place, which was made evident at the Parish Council meeting by a member of staff from the hotel, and if it's made back into hotel/restaurant, it will do so again. It would be lovely to have somewhere to go for a meal or drink close by without having to drive.

Email: received 11th March 2024: Colin James 17 Glastonbury Close

To the planning committee,

Due to work commitments, I am unable to attend today's meeting however, as a local resident of over 30 years I urge you all to please seriously give this absurd application some thought and refuse this planning application.

Even though a large number of you do not reside in the city, you might not be completely aware of the everyday impacts that traffic congestion on this route has on the community and local neighbourhood! Traffic congestion frequently stretches well over a mile beyond the Clehonger junction on the A465 coming into the city northbound. There is often vehicles spilling out of the McDonalds Drive-Thru next door which often causes traffic obstructions and additional congestion in both directions and as far as the pedestrian crossing near The Oval shops. This does not account for the endless delivery drivers parking on the pavements from delivery companies such as Uber Eats, Just Eat and Deliveroo as a few examples.

Near the bottom of the report, under the heading "**OTHER**," I notice that the officers report mentions a petition from the prior application. However, it fails to note, though, **that more**

than a thousand locals signed the petition and expressed their disapproval!

Furthermore, out of over 220 objections originally received, only 12 were in favour of the application. Although I acknowledge that this is a slightly amended application, most people are unaware that they need to file another objection on the new amended planning application even though they believe they have already done so, we all know it more or less essentially amounts to the same thing and over a thousand local residents views should therefore be taken into account in opposing demolishing a perfectly good hotel/venue/facility only built in the late 1970's in favour of yet another supermarket on this notorious A465 Belmont Road congested hotspot in Hereford.

There is already a Tesco supermarket less than 300 metres away and an Asda supermarket less than $\frac{3}{4}$ of a mile further along the very same road, not forgetting The Oval and other small independent shops and a large Farm Foods in between.

The Environment Agency have serious concerns over flooding and state that a Culvert is an unacceptable replacement for a pond as they are prone to getting blocked. There are also concerns over Tesco Trolleys ending up in the surrounding Newton Brook, which has previously never flooded.

Considering that this is the last remaining licenced venue in the neighbourhood, it would be a huge waste to proceed with the demolition of this excellent facility and forfeit this. This building can serve a variety of purposes, such as continuing to operate as a hotel, serving as a rehabilitation centre for patients recovering from surgery, or even having the ability to convert into an assisted living facility for the elderly or disabled.

I hope the committee will reject this planning application in line with the majority of objections, which include the voices of over a thousand local residents who took the time to sign the petition. Please support the local constituents and not the big corporates.

Email: received 9th March 2024: Mark Richardson

Dear Mark,

Although I no longer live in Belmont (I moved to Dilwyn after 30 years at Sydwall Road) I did vote for you in May of last year and feel compelled to write to you directly to express my concerns regarding the planning application for the proposed demolition of the Three Counties Hotel (always known to me and my family as the Moat House). I understand it is coming before the Planning and Regulatory Committee next week and that the case officer is recommending approval. This worries me for several reasons, which I will do my best to outline as briefly as possible.

I note the first application was withdrawn, with over 250 objections and some officer objections/concerns, and has now reappeared in not substantially modified form but with the promise of adherence to a raft of potential conditions. As someone who started life as a town planner I have always been concerned about the increasing trend over the years for so many Herefordshire planning applications to be passed with a raft of conditions. One or two conditions are understandable but when a raft of conditions rivaling War and Peace for length accompany an application, often a resubmitted application, my sixth sense and a sense of skepticism kicks in. As it has here. I have read the report and accompanying documents (reports, representations, etc.) in full. This took an awful lot of time, about 5 hours in total, and made me wonder if it's reasonable to expect Councillors to devote such a large amount of time to get to grip with all the details of such an application and just one of many they will need to deliberate on in the course of the meeting (and I wondered further if that was a deliberate ploy on the part of some players, but perhaps I am being too cynical). When an application is resubmitted but only changes marginally it does make me concerned that attempts are being made to circumvent reasonable objections by members of the parish council, public and council officers who are consultees, by promising to adhere to a raft of conditions that are supposed to mitigate those original and valid concerns. A few things

struck me about the application and the case officer's recommendation to approve the application and I have outlined them as briefly as possible below, but I urge all members of the committee to review the previous application and take note of the volume and detail in the 250 odd objections attached to that withdrawn application as well as the 80 or so on the resubmitted application you will be considering on the day.

First off, the report says the 'hotel is closed but could reopen as a hotel etc' but accompanying documents from the applicant's consultant regularly state that the hotel is closed and therefore there is no functioning hotel per se. This is disingenuous. The hotel was functioning as a hotel until very recently, as demonstrated by the numerous disappointed and heartbroken comments online by people who had been planning to get married there last year and this year, and it is still classed as a hotel in planning use terms and still presumably has the required licences to function as a hotel, including an alcohol license - or in any case could reapply for them. The current owners (since 2015), who are not local but Oxford-based, appear to have struggled or lacked the will to get going again after the pandemic and perhaps felt a more lucrative sale of the property to property speculators/supermarket companies was the easiest way forward (it certainly would provide a much bigger buck bang for them to sell a brownfield site if they could get change of use - demolition of the buildings being a good way of going down that path). At another point in the report there is a reference to the hotel being for non-local guests and therefore the impact on the local community being not so great if it were lost. This is patently absurd and, in my opinion, an attempt to down play the community and amenity value of the hotel. We have all used the Three Counties (previously Moat House) for drinks, gatherings, and conferences. Up until the hotel closed its doors to paying guests I would regularly meet friends and work colleagues on a Wednesday afternoon in Mundis bar to enjoy a pint or Gin and Tonic - inside in its plush interior or out by the pond on the terrace in the warmer months, where we'd enjoy what must be one of the County's most powerful fountains and the dragonflies that fluttered around the lilies. There are no other places for us Belmont or Newton Farm folks to have a quiet pint. The Vaga is a long across the brook and a very different type of pub - and too small and lacking in facilities to entertain families and friends. Now that Hedley Lodge is currently occupied with the homeless we also have no hotels this side of the river on the Belmont Road. Literally hundred of my friends and members of my family have stayed in the hotel over the years and many others will continue to do so if the hotel remains open. I note one of the very few supporters of this application says the hotel is run down. It is not, the gardens and buildings look immaculate. It is 'of its age' but it is a very pretty hotel and grounds. It provides a welcome break to the eye as we sit in gridlocked traffic on the main road (something which I will touch on shortly again). The Council's landscape officer objected to the original application (that objection not included in this report for some reason) because, "The Hotel and it's grounds are dated / of their time, however it is not a degraded, derelict or detracting feature in landscape or townscape terms. The green frontage and site trees do make a limited positive contribution to urban green infrastructure". I'll come back to the comment about the buildings 'being of their time'. There is also no conference facility like the Three Counties offers anywhere in the City, as demonstrated by the Council using the conference rooms to get the entire cohort of Cllrs. and officers and public in comfortably during the period when they were unable to use the Shirehall and needed a space big enough to allow Covid pandemic distancing rules. Where else could that have been done? Where else would many conferences be held, or big weddings or big work Xmas parties? The loss of the accommodation, hospitality and conference facilities would have a seriously detrimental effect on the locality and the City. I have included the link to the current website to show you how 'open for business' the hotel appears and could be if this application is refused. <https://www.threecountieshotel.co.uk/>

Regards the need for another superstore. really? We have Tesco and Asda and Farm Foods all within easy reach. We also have Local Plan policies that state we shouldn't be degrading the City centre by allowing out of town centre retail and supermarket development (HD2) so why are officers recommending approval? It's quite extraordinary - and illogical. I note another of the very few supporters of this applications says she wants a Lidl at Belmont so she can stop on the way home from work to buy groceries. She lives in Tupsley and has a

Lidl at the bottom of Commercial Road and Aylestone Hill, why would she want to shop instead on Belmont Road - unless she wants to leave her car in the gridlocked traffic to nip in-store? Quite absurd.

Regards sitting in traffic on the Belmont Road. Planners made a huge problem for the City in the mid to late 80s when they allowed the enormous development of the fields around the then Moat House (Three Counties) and around the old County landfill site without the necessary accompanying transport infrastructure. Those of us that remember, will remember, that the Three Counties was the last building you saw as you left Hereford on the way to Abergavenny except for the 'haunted house' on the left before the duck pond and the farm on the right before Belmont Abbey. Allowing Tesco and thousands of houses to be built without dealing with the transport issues was a grievous mistake, yet planners, like today, make or accept projections by applicants transport 'experts' and allowed the development. We had no gridlock on the Abergavenny or Belmont Road until this time. We then allowed the MacDonal'd's drive-thru to be built more recently, in the most inappropriate spot, once again with applicant's transport experts telling us that would present no problems - and we live with the daily disruption, increased danger and road rage of that decision as vehicles regularly back up onto the main carriageway and impede traffic further on an already congested road. Policy MT1 of the Local Plan says no development must be granted permission if it is likely to impede transport networks; **5.1.54 Development proposals should not inhibit the safe and efficient flow of the strategic network.** Now this applicant's transport consultants tell us once again - us who live here and no full well the issues to the contrary - that 1800 odd daily trips in and out of the proposed Lidl will pose very little disruption. They claim, without evidence extraordinarily enough, that most of these trips will be by people already the road anyway (like the lady on the way home to Tupsley perhaps). Aside from the fact they cannot and do not explain how they come to this conclusion it is not an increase in traffic that is the problem but traffic that is stopping to turn off or wishing to get onto the road that is the issue. Imagine the added chaos of trying to get along the already congested Belmont Road, dealing with the chaos at the MacDonal'd's entrance, plus traffic trying to exit from Goodrich Grove and now the extra mess at the Lidl junction. The road simply cannot cope. The consultants have also used the industry standard TRICs formula to estimate how many trips will be generated by Lidl - and then admit this same methodology got it very wrong when used to estimate trips to the new Aldi store in Ledbury - got it wrong by 48%! They say in this transport assessment they have adjusted the formula to account for this discrepancy but how? Just by bunging on a 50% variance? Based on what? This daft and just, I'm afraid, the usual smoke and mirrors accompanied by count data to try and bamboozle elected members into believing this is anything but best guesses. And those best guesses have been wildly wrong before and it us, not the consultants or developers or retailers, who have to deal with the consequences. We need to be making common sense decisions based on local knowledge not projections from people who are paid to find a way to get applications approved for their paymasters.

Now, the heritage aspect of the rather grand building and grounds. Yes, they are 'dated and of their time' but any building that is historic is thus classified. It is not run down and it is something worth preserving. It may not be everyone's cup of tea but it is a handsome and imposing site and provides a welcome vista along a road now full of the back of houses and unkempt hedges. It is interesting to note that when the Tesco was built at Belmont the planners required it to mirror the style of the Three Counties, meaning they regarded the Three Counties as being architecturally important and defining in character regards the built locality. Unfortunately, for whatever reasons our heritage officers today do not have the same regard for the building. Never the less Policy HD2 should be considered here. This is a landmark building unquestionably, you could show everyone in Herefordshire a picture of it and they would know it, it defines the area considerably and should not be destroyed and it's unique vista be replaced by another generic pressed metal and sheet glass box of no architectural merit. Just because our planners are unable to do their job doesn't mean our Cllrs. shouldn't step up for their community to do so.

And finally, a further point about heritage. I am not sure if members will know the history of this landmark building. It was built in 1979 by two of Hereford's most renowned Polish emigres, Alfons Sikora (who owned Intek Flooring on Burcott Road among other businesses) and Frank Taday (who owned the Spread Eagle amongst other businesses). Both these men, and others like Mr Priebe who founded the Hereford Admag, came to Hereford as part of the 1948 cohort of emigres that were escaping post war Soviet occupied Poland and were looking for a new life after the utter destruction of their country and way of life by the Nazis and the Soviets. Sikora and Taday came to Hereford particularly because of the Polish forces connection at Foxley Camp in Mansell Lacy on the Davenport Estate and Hergest Camp outside Kington. Like their countrymen who had fought for us during the war they came to Hereford to live and work and because they wanted a new, safe and brighter future for themselves and their families and they repaid the people of Herefordshire by building businesses and creating jobs and integrating into their new home. They found a safe refuge in Hereford and gave us much in return. The building of the (originally titled) White Eagle Hotel was the culmination of all those factors and motivations. We had nothing like it in Herefordshire (and really still don't). A modern, clean, imposing multi use hotel and conference centre the likes of which we had never seen. I remember seeing their names on the plaque as you walked through the old entrance doors (still there) and marveling at what they had been through and what they had achieved and what they had contributed to their new and forever home of Hereford. And how are we to replay that legacy? By knocking down such an impressive building for a budget supermarket, I am afraid I get a little emotional at the thought. <https://www.herefordtimes.com/news/20065827.memories-three-counties-hotel-amid-lidls-plans/>

Apologies for rambling Mark and for overstepping in any way by writing to you and other members of the committee and neighbouring ward Cllrs, who I have blind copied in - as well as the clerk of Belmont Rural parish council, which has strongly and correctly objected to both these applications. I know you cannot predetermine anything before the meeting so I expect no reply from you or others but I had to let you know my feelings. It will be a very very sad day indeed if we allow this application to succeed. A very sad day indeed. Rather, we should be insisting on listing this building.

All the best, hope you are keeping busy and serving the residents of Belmont Rural well. I am sure you are.

Email: received 9th March 2024: Mark Richardson

Sorry Mark, I forgot to mention another very important issue, one that may be the most significant.

The drainage department (Balfour Beatty acting as the Council's technical advisors) objected to the previous application. An officer, Joel Hockenull, raised serious concerns about the hydrology impact of filling in the pond in front of the hotel. It seems that when the hotel was built a pipe connected the outfall of the historic Newton Brook to the pond and an overflow pipe exited the pond and fed back adjacent to the new channel/ditch that was built to the north and west of the hotel as an overflow should the piped brook exceed capacity going through the hotel grounds and pond. He stressed that the loss of the attenuation capacity of this pond was something that concerns him because the pond was taking extra water during heavy periods and an enclosed narrow pipe (as proposed) will not.

We know that the hotel sits within a low-risk EA flood zone but that is regard flooding from the river Wye so please be aware of that. Once again it's slightly disingenuous for anyone to say the risk of flooding is low when what they are saying is the risk of flooding from the Wye is low. Which know that, we accept the Wye has never backed up to here. However, there have been issues of localised and flash flooding along the brook - and I think Cllr. Tillett in the neighbouring ward has had to deal with an issue there previously in recent years. Mr Hockenull seemed to have requested pre-application hydrology modelling regards the risk of increased risk of flash flooding if the pond is filled in but I don't believe that was done. He

also feels the open culvert and sluice gates of the current layout around the pond provide a better opportunity to keep the watercourse clear whereas the applicant's consultants feel a closed system is better (I'm afraid I agree with Mr Hockenhull regards maintenance of the watercourse). Mr Hockenhull then appears to stop responding to further queries from the case officer (perhaps in frustration or simply because he was on leave or busy) and a Ms Allen is the Balfour Beatty technical officer who responds telling the case officer that;

I appreciate you have had a lot of correspondence with Joel regarding the above site, however we just wanted to clarify that the following need to be included as Land Drainage conditions in the Decision Notice, should approval be granted:

- ***(Pre construction condition) Detailed surface water drainage design plans/construction drawings and associated calculations.***

This is a crucial condition as the surface water drainage strategy which has been presented at planning is not detailed enough for construction purposes.

- ***Trial pit information confirming the route of the 450mm pipe that has been identified which carries flow into the site (referred to as SW1 on the survey). The development will need to consider provision for the ongoing inflow of surface water from this source.***
- ***Shopping trolley condition – as per the below correspondence.***

The shopping trolley comment was in relation to concerns that shopping trolleys could act as trash screen if dumped around the brook and cause rapid flash flooding (the applicants have at least answered this query by promising to put in magnetically controlled brakes on trolleys which should stop trolleys leaving the car park).

However what concerns me and what I would be very grateful for clarity on if you are able to question the case officer is whether the pre-app modelling was done or not as requested by Mr Hockenhull and why she is asking Cllrs. to approve an application which requires the Council's drainage officers to insist on pre-construction conditions because, "***This is a crucial condition as the surface water drainage strategy which has been presented at planning is not detailed enough for construction purposes.***"

You see this is the nub of the problems that accompany applications that members are being asked to consider on the promise of so many conditions rather than making those decisions based on certainty around central issues such as drainage. It is silly and irresponsible to pass such a large application and then deal with drainage afterwards - because what that does is then put all the pressure on our drainage team to eventually agree whatever scheme is presented to them or they are essentially taking responsibility for refusing such a large application when that responsibility should lie with planning officers or members. It is inherently unfair on our technical teams - whether they be drainage or landscape etc.

OFFICER COMMENTS

The applicant submitted fluvial modelling outputs of the Belmont Brook. These demonstrated the impact of a partial blockage at the highway culvert. I note that the resident is making reference to modelling associated with removal of the pond. No such modelling was requested. The proposed pre-construction condition meets the test of the NPPF and is acceptable. This information would need to be available during the build phase but would not be any more useful if presented earlier.

Update / clarification to Paragraph 1.3

Currently committee report. Para 1.3 says "...Since March 2023 until March 2024 the hotel has been used to house asylum seekers and has been run by the 'Home Office'. The site is currently closed to the general public but would revert back to a hotel following the end of the temporary use to house the asylum seekers."

To clarify it is in fact the Use Class C1 which will resume (ie there is no hotel operator) the report should read:

Since March 2023 until March 2024 the hotel has been used to house asylum seekers and has been run by the 'Home Office'. The site is currently closed to the general public but would revert back to hotel use following the end of the temporary use to house the asylum seekers.

Update / clarification

Following the site inspection (12/3) the Council's Transportation manager have provided the additional commented as follows:

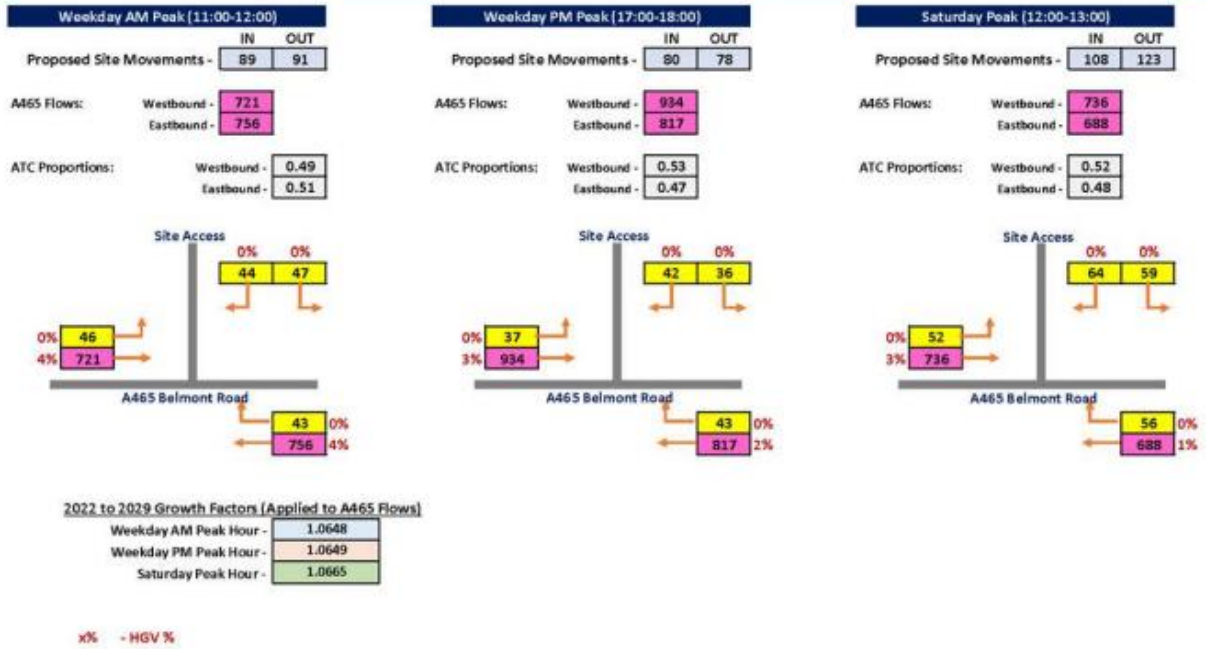
The junction capacity assessments undertaken as part of the Transport Assessment demonstrate that the site access junction operates with a significant amount of spare capacity. A number of scenarios have been modelled, including:

- A future year of 2029 (this has the surveyed background traffic, i.e. existing flows along the A465, growthed (using locally adjusted growth rates) to 2029 levels)
- A sensitivity analysis whereby an additional 50% of the predicted store generated trips has been added to ensure a robust assessment.

All scenarios show spare capacity with the worst scenario (2029 with +50% extra trips) being during the weekday PM peak hour (17:00-18:00) where the access arm for vehicles turning from the site onto the A465 operates at 58% of its capacity. It is generally recognised that 85% capacity is where a junction starts to experience capacity problems. No capacity issues are shown to occur on the A465 itself and there is a generous right turn lane provided to accommodate approximately 8-9 vehicles turning right into the site which will prevent vehicles turning into the site from blocking traffic on the A465.

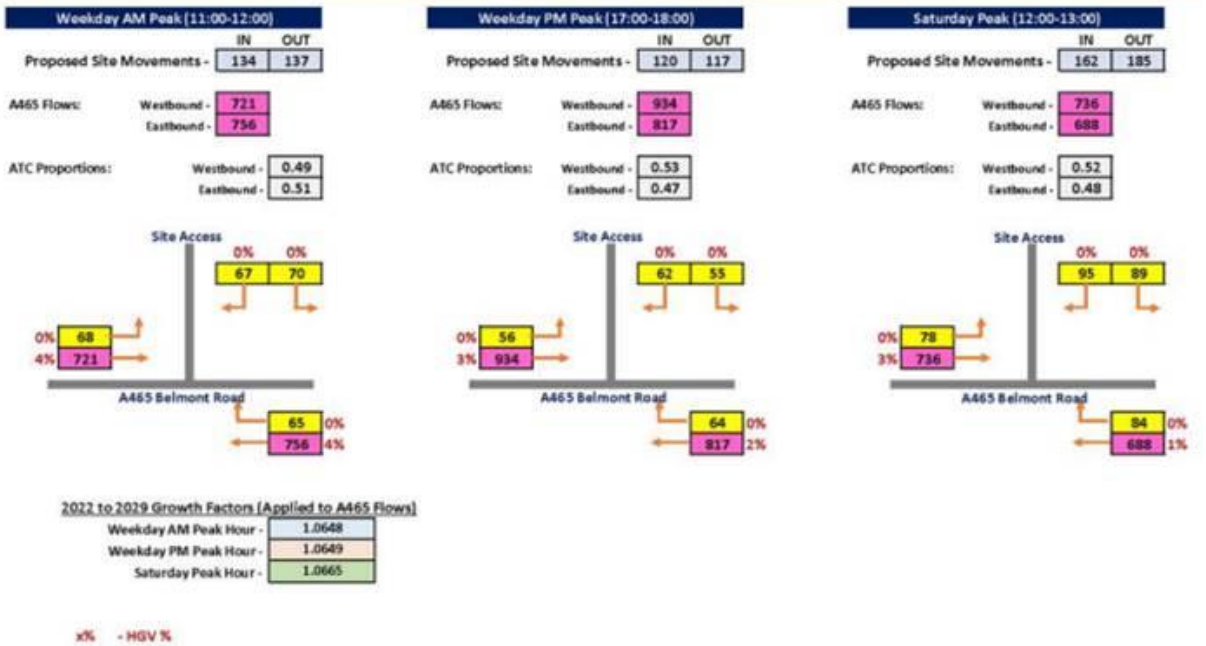
The below extracts from the Transport Assessment submitted with the application demonstrate the number of vehicle trips that will be generated by the proposed store at peak times and the number of vehicles travelling along the A465. It is important to note that the below figures assume all trips to the store will be new to the network and not already passing the store either directly or on the network local to the store. The second set of tables shows a worst case scenario whereby the number of trips generated by the store have been increased by 50% over and above those predicted, this exercise was undertaken as a sensitivity analysis to ensure a robust assessment. The first set of tables below are the likely number of trips to be generated by the store.

2029 Forecast Year Flows



XX - All Vehicles (Site Movements)
 XX - All Vehicles (A465 Straight-On Movements)

2029 Forecast Year Flows (+50% added onto Site generated flows)



With regards to car parking the store provides over the level required according to our car parking standards (100 spaces are required with 118 spaces being provided). In addition the spaces provided are wider than 'standard' spaces. Standard spaces are 2.4m x 4.8m whereas the proposed are 2.7m x 5.2m. The proposed aisle width is also more generous at

7.5m (6m is standard). This means that car parking spaces are easier to manoeuvre in and out of therefore reducing delays within the car park and the additional aisle width would allow vehicles coming into the car park to manoeuvre around vehicles trying to park which prevents blockages occurring and queuing back onto the A465.

NO CHANGE TO RECOMMENDATION

