

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

Date Received: 7 February 2023

**Ward: Hinton and
Hunderton**

Grid Ref: 350890, 239431

Expiry Date: 12 December 2025

Local Member: Cllr Kevin Tillett

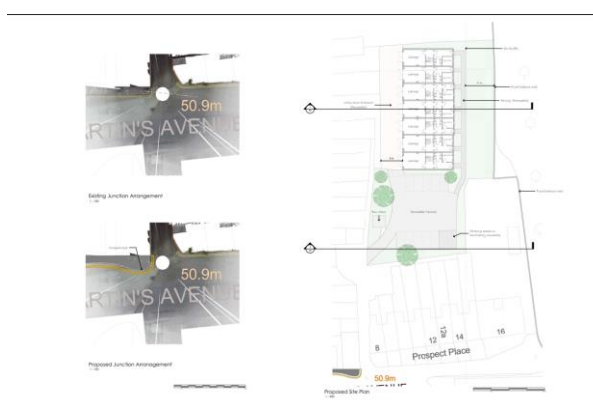
1. Site Description and Proposal

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



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

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



Proposed Site Plan and Access Detail



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

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

2. Policies

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

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Paragraph 34 of the revised National Planning Policy Framework requires a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating and should then be updated as necessary. The CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-

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

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

SP1 – Resource Management

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

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

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

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

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

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

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

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

2.5 **Supplementary Planning Documents**

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

3. **Planning History**

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

4. **Statutory Consultations**

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

Statutory Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company."

4.2.2 2nd consultation 25 July 2025 (Amended Plans)

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

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

3rd consultation 26 November 2025 (Amended Plans)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 Historic England – Qualified Comments

4.3.1 1st consultation 24 March 2023 (Superseded Plans)

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

Historic England Advice

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

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

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

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

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

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

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

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

Recommendation

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

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

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

4.3.2 2nd consultation 4 August 2025 (Amended Plans)

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

Historic England Advice

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

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

Impact

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

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

Recommendation

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

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

4.3.3 3rd consultation 18 November 2025

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

Historic England Advice

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

Heritage Impact Assessment and Significance

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

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

Impact

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

Policy

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

Position

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

Recommendation

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

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

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

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

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

We consider that without appropriate mitigation the application would:

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

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

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

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

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

Internationally and nationally designated sites

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

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

European site - River Wye SAC - No objection

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

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

River Wye SSSI – No objection

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

Other advice

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

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

Should the proposal change, please consult us again.

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

4.5 Dwr Cymru Welsh Water – No objections; conditions recommended

4.5.1 1st consultation 3 April 2023 (Superseded Plans)

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

ASSET PROTECTION

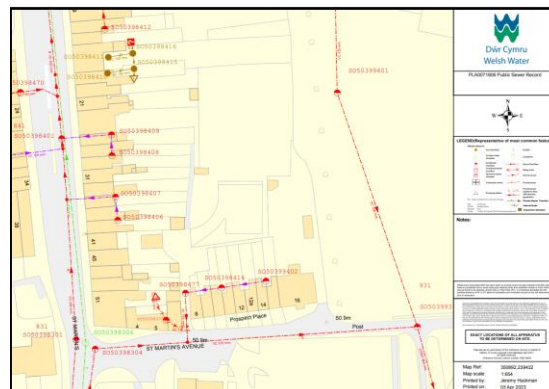
The proposed development site is crossed by a 150mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development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

Advisory Notes

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

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

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



4.5.2 2nd consultation 14 August 2025 (Amended Plans)

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

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

SEWERAGE

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

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

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

Condition

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

Advisory Notes

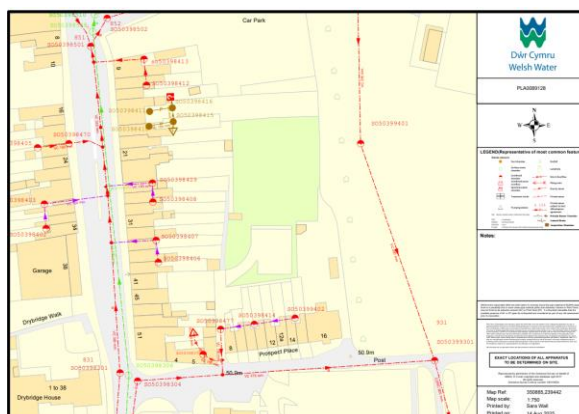
The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer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

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 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries, please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence."

Conditions For Development Near Water Mains

The development of the site with our water main located as shown on the attached plan will involve certain conditions which must be strictly adhered to.

1. No structure is to be sited within a minimum distance of 3M from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc. are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections. These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.





4.6 Hereford and Worcester Fire Service – Qualified Comments

4.6.1 1st consultation 25 September 2023 (Superseded Plans)

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

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

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

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

4.6.2 2nd consultation 15 August 2025 (Amended Plans)

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

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

1. Access Road: The access road to the dwellings should meet the standards outlined in ADB 2019 Vol. 1 Table 13.1. The current plan doesn't comply.

2. Water Supply for Firefighting: Water for firefighting purposes may need to be provided in accordance with ADB 2019 Vol. 1 B5 and/or the National guidance document on the provision of water for firefighting. The current plan doesn't comply.

3. These matters will be assessed through the consultation process with Local Authority or Approved Inspector Building Control bodies to ensure compliance with the Building Regulations (2010). Additionally, any other issues will be addressed under the Fire Safety Order (2005) once the building is occupied.

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

3rd consultation 27 November 2025 (Amended Plans)

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

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

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

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

5. Internal Council Consultations

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

5.2 Building Conservation Officer – Qualified comments; conditions recommended

5.2.1 1st consultation 15 May 2023 (Superseded Plans)

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

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

National Planning Policy Framework

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

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

Scheduled Monuments;

UID 1001780 Row Ditch

UID 1005530 Hereford Castle

UID 1005521 Wye Bridge

Listed Buildings;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Identify which heritage assets and their setting are affected.

These have been addressed above as;

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

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

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

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

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

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

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

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



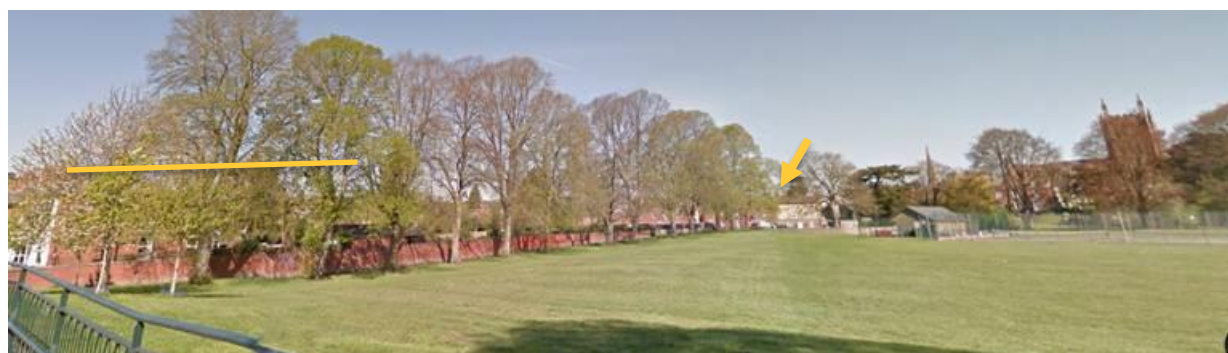
1885 survey 1945 survey Google earth imagery

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

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

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

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



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

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

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

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

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

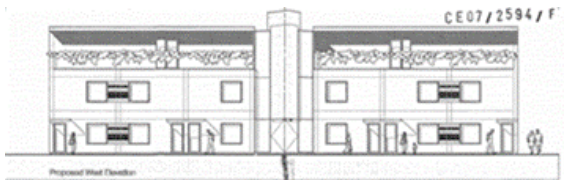
The proposal would erect a building on previously relatively undeveloped land. The site has a terrace of listed buildings to the west and listed buildings to the immediate north, as such the principle of development of the land has the potential to harm the setting of the adjacent listed buildings. However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



2007 scheme east elevation



currently proposed east elevation



2007 scheme West elevation



currently proposed west elevation

Conclusion

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

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

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

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

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection , protection and enhancement of the setting of settlements and designated areas;

- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

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

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

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

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

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

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

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

I would refer to the following sections in NPPF 2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2.2 2nd consultation 29 September 2025 (Amended Plans)

"The proposal

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

The site

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

Legislation Policy and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty obligation does not prevent change from occurring but merely requires that change is properly informed so not to not affect any special architectural or historic interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assessment of Proposal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C07 – amended plans

C13 external samples

CH1 Masonry Details

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

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

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

CH8 joinery details

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

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

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

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

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

C65 removal of PD rights. Reason 2“

5.3 Area Engineer – No objection; conditions recommended

5.3.1 1st consultation 28 April 2023 (Superseded Plans)

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

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

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

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

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

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

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

5.3.2 2nd consultation 12 August 2025

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

CAT- Construction Management Plan

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

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

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

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

CAJ- Parking

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

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

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

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

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

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

108 – Section 278 agreement

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

5.4 Building Control – No objection

5.4.1 1st consultation 2 September 2025 (Amended Plans)

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

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

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

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

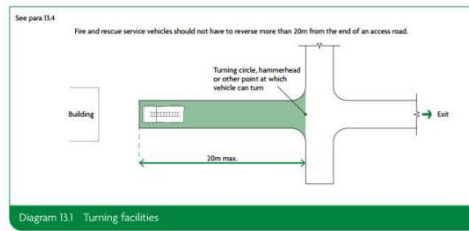


Table 13.1 Typical fire and rescue service vehicle access route specification

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

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

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

5.4.2 2nd consultation 10 November 2025 (Amended Plans)

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

5.5 Ecology – No objection; conditions recommended

5.5.1 1st consultation 4 April 2023 (Superseded Plans)

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

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

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

Notes in respect of HRA:

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

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

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

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

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

Additional ecology comments:

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

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

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

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

5.5.2 2nd consultation 31 July 2025 (Amended Plans)

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

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

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

The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

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

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

River Wye SAC - Habitat Regulations Assessment

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

Foul Water

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

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

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

Surface Water

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

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

Construction Effects

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

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

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

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

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

River Wye SAC - Foul Water Management

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

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

River Wye SAC - Surface Water Management

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

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

River Wye SAC –Construction Environmental Management Plan

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

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

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

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

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

Other Ecology Comments

The application predates Statutory BNG requirements

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

To obtain Species (Biodiversity) Net Gain

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

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

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

5.6 Landscape – Qualified comments

5.6.1 1st consultation 6 April 2023

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

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

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

Important factors to consider, but not limited to:

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

5.6.2 2nd consultation 25 July 2025 (Amended Plans)

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

5.7 Tree Officer – No objections; conditions recommended

5.7.1 1st consultation 5 April 2023

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

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

Conditions:

CKA - Retention of existing trees

CKB - Protection during Construction

CKF - Specification for Tree Planting"

5.7.2 2nd consultation 27 August 2025 (Amended Plans)

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

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

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

Conditions:

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

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to completion or first occupation of the development whichever is sooner, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species and position or density of all trees to be planted. As well as cultivation details - how they will be planted and protected and the proposed time of planting. All tree planting shall be carried out in the first planting season following the occupation of the building, in accordance with the approved plant specification, as well as BS 8545: - Trees from nursery to independence within the landscape. Any trees or plants which die,

are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To safeguard the character and amenity of the area and to ensure that that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework”

5.8 Archaeology – No objections; conditions recommended

5.8.1 1st consultation 22 March 2023 (Superseded Plans)

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

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

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

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

5.8.2 2nd consultation 14 August 2025 (Amended Plans)

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

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

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

CONDITION *

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

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

CONDITION *

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

INFORMATIVE I01 (AAI NOTIFICATION)

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

5.9 Land Drainage Engineer – No objection; conditions recommended

5.9.1 1st consultation 21 April 2023 (Superseded Plans)

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

TYPE: Planning Permission

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

APPLICATION NO: 230432

GRID REFERENCE: OS 350890 - 239431

APPLICANT: Mr P Tobin

AGENT: Mr Bernard Eacock

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

Overview of the Proposal

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



Flood Risk Fluvial Flood Risk

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

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

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

Table 1: Scenarios requiring a FRA

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

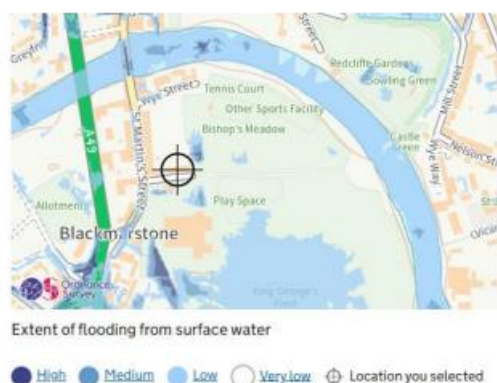
*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

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

Surface Water Flood Risk

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

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

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

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

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

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

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

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

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

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

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

Overall Comment

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

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

5.9.2 2nd consultation 12 August 2025 (Amended Plans)

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

TYPE: Planning Permission

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

APPLICATION NO: 230432

GRID REFERENCE: OS 350890 - 239431

APPLICANT: Mr P Tobin

AGENT: Mr Bernard Eacock

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

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

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



Flood Risk

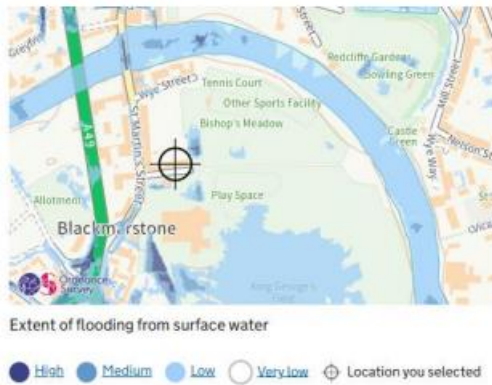
Fluvial Flood Risk Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high probability Flood Zone 3. In accordance with NPPF new development should be steered away from areas at flood risk through the application of the Sequential Test.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

Table 1: Scenarios requiring a FRA

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

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

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



Other Considerations

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

Overall Comment

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

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

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

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

5.10.1 1st consultation 11 September 2025 (Amended Plans)

“Comments are made from a noise and nuisance perspective.

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

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

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

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

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

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

5.11 Waste Management – Qualified Comments

5.11.1 1st consultation 15 May 2023 (Superseded Plans)

“A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

26 Tonne dimensions

Height: 3500mm

Width: 2250mm (2650 including mirrors)

Length: 7565mm

Bin storage locations for each plot to be included on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property. Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property (including any apartment blocks of 7 or less units) for the following containers:

*1x180 litre wheeled bin for general rubbish
1x240 litre wheeled bin for recycling paper & card
1x240 litre wheeled bin for recycling tins, cans, glass and plastics
1x23 litre food waste caddy (collected weekly)
1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.*

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

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

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

*The council and its contractors determine that collections can be carried out safely;
and*

*The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;
and*

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence."

5.11.2 2nd consultation 10 September 2025 (Amended Plans)

"Please refer to previous comments made by Waste Management on 13th March 2023, which do not appear to have been addressed by the applicant. A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

26 Tonne dimensions

Height: 3500mm

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Bin storage locations for each plot to be included on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property. Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property (including any apartment blocks of 7 or less units) for the following containers:

*1x180 litre wheeled bin for general rubbish (collected fortnightly)
1x240 litre wheeled bin for recycling (collected fortnightly)
1x23 litre food waste caddy (collected weekly)*

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

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*The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;
and*

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.”

5.12 Emergency Planning Officer – Consulted; no response received

6. Representations

6.1 Hereford City Council - Objection

1st consultation 6 April 2023 (Superseded Plans)

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

2nd consultation 17 November 2025 (Amended Plans)

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

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

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

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

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

7. Officer's Appraisal

Policy context

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 34 of the NPPF require a review of local plans to be undertaken

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

- 7.3 Herefordshire Council is currently in the process of preparing a new local plan. A draft was published in March 2024 for Regulation 18 consultation. Following planning reforms including revisions to the NPPF by the UK Government in December 2024, the Council decided to cease further work on the Draft Regulation 18 Local Plan as a new spatial strategy is required to address a significant uplift in housing growth. The Council will progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan under the new plan making system has yet been published and as such, there is no emerging plan to which any weight can currently be attributed.
- 7.4 In reaching any decision, the level of consistency of policies of the adopted development plan against the NPPF will need be taken into account with due weight given according to their degree of consistency, as per Paragraph 232 of the NPPF. From reviewing those policies within the CS applicable to the determination of this application, they are generally consistent with the guidance contained within the NPPF particularly in terms of key policies relating to directing development to a sustainable location, making effective use of land, achieving well-designed places and conserving and enhancing social and environmental assets. As such, significant weighting should continue to be afforded to these relevant policies.
- 7.5 The NPPF, like Policy SS1 of the CS, is clear that decision-making needs to apply the presumption in favour of sustainable development as set out at Paragraph 11. This states that where there are no relevant policies; or the most relevant policies are considered to be 'out-of-date', Paragraph 11d, known as 'the tilted balance', is engaged. This means that planning permission should be granted, unless:
- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (this being Paragraph 11di and the area/assets of particular importance are detailed under Footnote 7); or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (this being Paragraph 11dii).
- 7.6 Paragraph 12 of the NPPF nevertheless remains relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.
- 7.7 Planning reforms published in December 2024 by the UK Government included considerable revisions to the NPPF. In the context of Herefordshire, this notably includes a 70% increase in the new homes requirement over the plan period to 27,260 new dwellings. These changes have subsequently impacted the Council's publicised housing land supply. Further to the most recent update of April 2025 (published in October 2025), the housing land supply position for Herefordshire remains below the required five years, presently at 3.11 years.
- 7.8 The above has implications for decision-making. Footnote 8 clearly states that for planning applications involving the provision of housing, policies should be regarded as being "out-of-date" if the Local Planning Authority is unable to demonstrate a five-year supply of deliverable housing sites. Given the current housing land supply position, the relevant policies of the development plan should be regarded as being 'out-of-date'. The positive presumption in favour of sustainable development, as clearly set out at Paragraph 11d of the NPPF, is engaged unless material considerations indicate otherwise.

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

Principle of development

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

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

- 7.17 The NPPF promotes a high level of design and emphasis on achieving well-designed places, dedicating a section entirely to this (Section 12). Paragraph 131 states that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Paragraphs 135 and 139 are also of relevance.
- 7.18 The detail of design is principally assessed by Policy SD1 of the CS which amongst other things states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The requirements of Policy SD1 are underpinned by Policy LD1 (landscape and townscape). Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape/townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. In wider terms, Policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances this network, integrates with, and connects to surrounding green infrastructure. Policies SS2 and SD1 also seek to ensure that proposals make efficient use of land taking into account local context and site characteristics.
- 7.19 Design is appreciated to be a subjective matter where many will have their own interpretation but it is noted that there have been concerns raised by several interested parties with regards to the proposed design. The design has evolved over the application period at the request of both officers and technical consultees. For awareness, the quantum and scale of the townhouses has also been amended since validation as the application was validated as six townhouses and two flats proposing a four-storey contemporary-designed building. Revisions to the application has notably included significant amendments to the scale, layout and particularly the appearance of the proposed townhouses to “loosen up” both amenity space and the site more generally.
- 7.20 The proposal is for a three-storey brick terrace with a central breakfront feature with gablet, sash windows, and the roof broken up by brick chimneys. It echoes the architecture of the listed terraces of St Martins Street in terms of both design and finish. With the terrace overlooking Bishops Meadow, the building would have an overall length of 34.1 metres, an overall ridge height of 11.5 metres (with eaves at 8 metres), and overall depth of 14.7 metres.
- 7.21 The design has been proposed in response to previous built heritage objections and has sought to take into account the Hereford Design Guide and CS Policy HD2. It seeks to propose an articulated response to this sensitive site. Given adjacent listed buildings, the Design Guide section on Georgian principles is particularly relevant and advises how new buildings could be influenced by historic architectural character, in terms of their material palette, as well as the proportions and classical principles such as the golden ratio and use of symmetry and particularly

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

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

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

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

Residential amenity

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

Housing Mix

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

Table 17.10 Hereford HMA Recommend Housing Mix by Tenure by Size

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

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

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

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

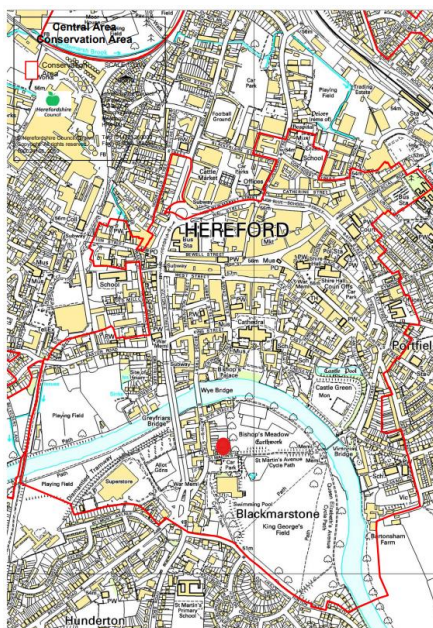
"In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural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

- 7.43 Section 72 of the Act refers to the local planning authority needing to pay special attention to the desirability of preserving or enhancing the character or appearance of and building of land in a Conservation Area in the exercise of their duties. The Ancient Monuments and Archaeological Areas Act 1979 under Part II introduced the concept of areas of archaeological importance (AAI), city centres of historic significance which receive limited further protection by forcing developers to permit archaeological access prior to building work starting noting also that Hereford is designated an Area of Archaeological Importance.
- 7.44 CS Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, and notes heritage assets and specifically those with environmental designations. CS Policy LD4 requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 7.45 The NPPF also guides in terms of assessing the impact of proposals on both designated and non-designated heritage assets (above and below ground), dedicating a whole section to conserving and enhancing the historic environment (Chapter 16).
- 7.46 Paragraph 207 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 7.47 Paragraph 208 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 7.48 Paragraph 210 goes on to advise that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 7.49 The NPPF further advises as to how to consider potential impacts.
- 7.50 Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.51 Paragraph 213 outlines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.52 Paragraph 214 deals with considering proposals which would lead to substantial harm. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.53 Paragraph 215 clearly states:
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 7.54 Paragraph 216 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.
- 7.55 It is acknowledged that a number of additional and amended supporting documents including in relation to heritage considerations have been submitted to accompany this application. It is also recognised that a small number of third parties have provided rebuttal to the supporting documents of the applicant and that officers are particularly also guided by the comments which have been raised across several consultations including in relation to latter consultation responses by Historic England, the Council's Principal Building Conservation Officer and the Council's Archaeological Advisor.
- 7.56 This site and the surrounding area is affected by the following heritage assets:
- Hereford Central Conservation Area

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

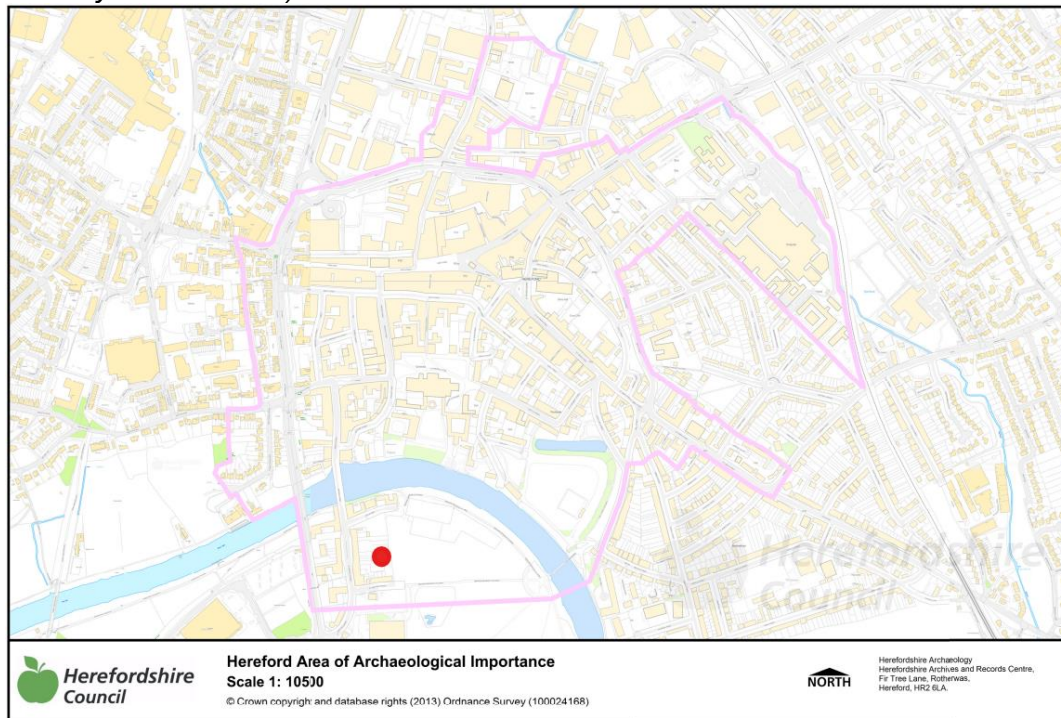
7.57 The maps below seek to identify the extent and approximate position of the above assets:



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



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



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

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

this supporting information, the NPPF is clear that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Officers are satisfied that this has now been complied with further to the updated supporting information received including a Heritage Impact Assessment which is designed to be a structured process that evaluates the significance of a historic asset and analyses how a proposed development or change will affect it.

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

- 7.61 Dealing with each grouping of assets in turn:

Hereford Area of Archaeological Importance

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

Scheduled Monuments

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

Listed Buildings

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

Hereford Central Conservation Area

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

Public Benefits test(s)

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

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

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

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

Other heritage considerations

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

Access, highway and pedestrian safety and connectivity

- 7.82 CS Policy MT1 requires development proposals to demonstrate that both strategic and local highway networks can accommodate the traffic impacts of a development without adversely affecting the safe and efficient flow of traffic, or that such impacts can be managed to acceptable levels through mitigation. This includes ensuring appropriate operational and manoeuvring space, accommodating provision for all modes of transport, the needs of people with disabilities and providing safe access for the emergency services. The NPPF emphasises the need for developments to offer genuine choice in movement under Section 9. CS Policy SS4 similarly requires developments to minimise impacts on the transport network. Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or if residual cumulative impacts on the road network, after mitigation, would be severe.
- 7.83 Access to the building would be gained via St Martins Avenue which is located in between 7 and 8 St Martins Avenue. It is accepted that the access is relatively narrow due to the position of the existing buildings either side of the site entrance. This has been measured on site with a road measuring wheel by officers with width on average approximately 2.9 metres dropping down to approximately around 2.6 metres due to the presence of concrete steps further along the access.
- 7.84 It does need to be borne in mind that the access presently serves an existing parking area which has planning permission and capacity for up to 11 cars used by nearby properties in which spaces are leased from the applicant. The Local Planning Authority has no control over the number of vehicular movements which take place.
- 7.85 The proposal would enable the existing spaces to be allocated for future users of the proposed development, in addition to at least 1 space for each townhouse delivered via a ground floor garage, offering some overflow parking for visitors. The internal layout makes adequate provision for the parking and manoeuvring of vehicles for each townhouse, and a condition is recommended to secure the implementation of cycle storage as shown on the submitted floor plan. This does

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

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

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

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

Flood Risk and Drainage

- 7.92 Chapter 14 of the NPPF relates to meeting the challenges of climate change, flooding and coastal change. Paragraphs 170 to 182 deal with planning and flood risk.
- 7.93 Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 7.94 Paragraph 170 of the NPPF states "*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*"
- 7.95 Paragraph 181 of the NPPF states that "*when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- *Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;*
 - *The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
 - *It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - *Any residual risk can be safely managed; and*
 - *Safe access and egress routes are included where appropriate, as part of an agreed emergency plan.*"
- 7.96 Policies SD3 and SD4 of the CS also deal with issues relating to sustainable water management, wastewater treatment and river quality. Policy SD4 also seeks to ensure development does not undermine the achievement of water quality target for rivers within the county, through the treatment of wastewater. The policy sets out a hierarchy in terms of the approach to wastewater. In the first instance, developments should seek to connect to the existing mains wastewater infrastructure.
- 7.97 The application site lies wholly within Flood Zone 3 although is offered some protection by the existing FAS and defence walls along the eastern boundary which are operated and maintained by the Environment Agency. The site can be safeguarded from flooding to at least a 1 in 100 year flood risk. As per national validation requirements, the application has been supported by a site-specific Flood Risk Assessment (FRA) and drainage strategy as well as a Sequential and Exception Test (the latter of which has been updated during the course of considering this application). In March 2025, the Environment Agency published updated surface water flood maps and NPPG updated guidance on flood risk on planning applications in September 2025, including application of the Sequential and Exception flood risk test(s).
- 7.98 The application has been assessed in accordance with policies SD3 and SD4 as well as Section 14 of the NPPF and NPPG on flood risk. Paragraph 180 of the NPPF states: "*Where planning applications come forward on sites allocated in the development plan through the sequential test,*

applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account." It needs to be acknowledged here that this site is not a strategic or allocated site in the adopted development plan. Accordingly, it is correct to apply both the sequential and exception tests pertaining to flood risk.

- 7.99 Paragraph 172 states that in terms of approaching development in flood risk areas, all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
- 7.100 Paragraph 173 advises that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Within this context, Paragraph 174 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are “reasonably available” sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). For avoidance of doubt, the application is not considered to benefit from the list of application types under Paragraph 176 and, by extension, Footnote 62 of the NPPF. Hence, this furthers the case for the sequential test to apply.
- 7.101 If, having applied the Sequential Test, it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test would then need to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF.
- 7.102 Paragraph 178 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.103 The NPPF is quite clear at Paragraph 179 that both elements of the Exception Test should be satisfied for development to be allocated or permitted.

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

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

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

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

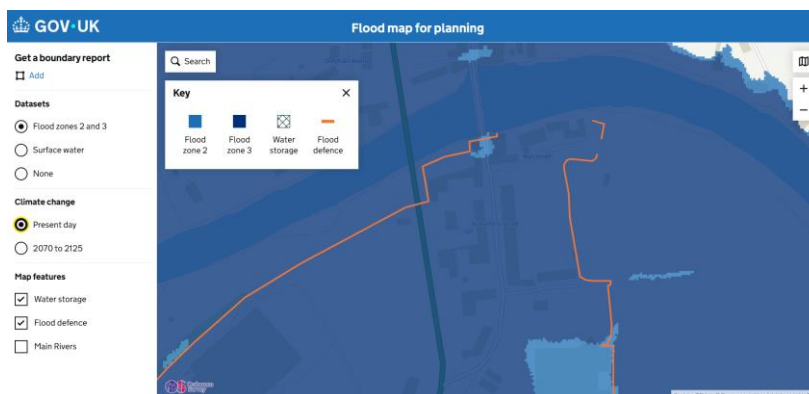
“Sites should be considered ‘reasonably available’ for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. In considering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

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

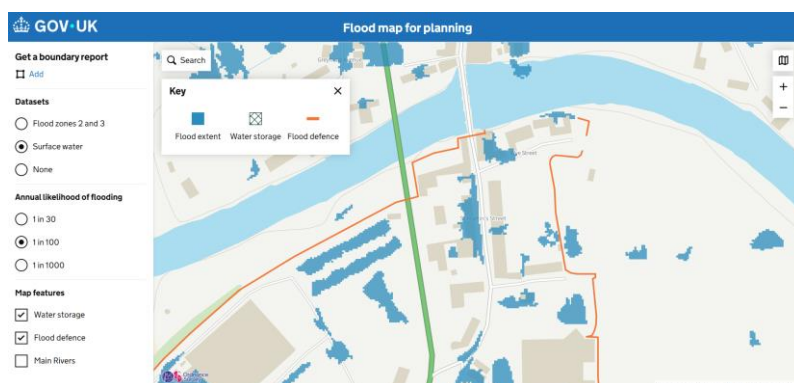
“Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will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

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

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



Flood Zones 2 and 3



Surface Water

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

Sequential Test

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

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

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

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

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

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

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

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

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

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

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

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

Exception Test

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

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

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

Ecology and Biodiversity

- 7.133 CS policies SS6 and LD2 state development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness, including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Similarly, the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then permission should be refused.
- 7.134 The application is supported by an update to a previously undertaken Preliminary Ecological Appraisal (PEA) and accompanied by a subsequent update letter dated from 2023. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. This report indicates there were no Potential Bat Roosting Features within the proposed development and the site is managed such that there is no likely presence of protected species within or immediately impacted by the proposed development. From available information this does not appear to have changed significantly in the intervening period. The LPA has no reasonable cause to require an updated ecological assessment given the most recent comments of the Council's Ecologist although this does not mitigate any statutory duty of care to wildlife protection that falls to the applicant and their contractors.
- 7.135 The River Wye Special Area of Conservation (SAC) SSSI is 100 metres north of site and as part of the required HRA Appropriate Assessment (HRA) process, a fully comprehensive Construction Environmental Management Plan (CEMP) is considered appropriate. The ecology section of this and proposed mitigation measures will need to be based on an updated survey immediately prior to works commencing. Conditions are recommended to this effect. Conditions can secure biodiversity net gain/habitat enhancements across the site, ensure that external lighting is strictly controlled. There are no reasons why one should consider that full details, specifications, locations and future management of any required mitigation and compensation cannot be secured within the development site and secured by appropriate and relevant conditions on any consent granted together with appropriate landscaping included. The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal is considered to adhere to CS Policies SS6 and LD2 and the NPPF.

Habitat Regulations Assessment (HRA)

- 7.136 The application site is within the Wye hydrological catchment of the River Wye SAC which is a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU exit) Regulations 2019) also known as the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI). As a site located within the catchment of the River Wye SAC, there the requirement for an assessment under the Habitat Regulations is triggered.
- 7.137 Any final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England prior to any planning permission being granted. This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions/mitigation to be secured. The HRA process must be completed with legal and scientific

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

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

Mandatory Biodiversity Net Gain (‘BNG’)

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

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

Section 106 planning obligations

- 7.143 CS Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 58 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations, must satisfy all of the following:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.144 The development is only acceptable in the view of the Environment Agency, as submitted, as it benefits from the presence of the flood defences. They have requested developer contributions towards the ongoing management costs of the flood defence scheme and towards the flood warning service. Based on the development, they have requested a figure of £35,000 (£5,000 per property) as a contribution towards management of the defences and continued operation of the flood warning system. In the absence of contributions, the cost of flood warning would potentially place increased burden on the public purse. It may also place additional burden and risk to life on the emergency services and/or any rescuers. Whilst the applicant does rebut the comments of the Environment Agency after previously being content with the arrangement (see letter from Agent dated 17 July 2025), the Environment Agency have sought to justify why the contributions are required. To that effect, developer contributions total £35,000 (£5,000 per dwelling) are necessary to be secured by Section 106 planning obligation agreement.

Other considerations

- 7.145 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making. Notwithstanding the sustainable location of the development, thus reducing the need to travel to nearby services and facilities by other means than simply privatised transportation, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the NPPF). Electric vehicle charging points as well as the orientation of the plots and thermal efficiency have been considered. The proposed building has been sensitively oriented where possible in order to maximise exposure to solar gain. Similarly, in line with modern construction techniques, the buildings will benefit from energy efficient heating systems and thermally efficient materials. In terms of heat recovery, this will be utilised to preclude the need for triple ventilated windows. The proposals accord with aforementioned policies which is consistent with the NPPF.
- 7.146 In accordance with the adopted MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. The matter in this instance can reasonably be dealt with by way of a relevant pre-commencement condition which is proportionate to the nature of the proposal namely waste prevention and management measures to be implemented.

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

8. Summary/Planning Balance and Conclusion

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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

CONDITIONS

Standard Conditions

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

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

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

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

Pre-Commencement Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Relevant Commencement and/or Pre-Occupancy Conditions

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

Martins Place have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority.

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

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

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

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

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

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

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

12. With the exception of any site clearance and groundwork, prior to works progressing beyond damp course proof level, details of the following matters, as specified below, shall be submitted to and approved in writing by the local planning authority:

- A sample of the type of roof slate proposed;
- A sample of the type of brick proposed;
- A sample panel of brickwork;

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

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

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

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

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

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

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

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

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

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

The landscaping scheme shall include a scaled plan identifying:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The installed nesting features shall hereafter be maintained as approved unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

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

Thereafter these facilities shall be maintained.

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

Post Occupancy Monitoring and Management Conditions

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

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

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

24. At no time shall any surface water and/or land drainage be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

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

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

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

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

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

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

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

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant and future occupiers should contact 08708 506506 to be set up on the Environment Agency's flood warning system. In preparing the flood evacuation management plan the applicant should have note to the Flood Risk Assessment. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.
3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any

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

4. The proposed development site is crossed by a 150mm public combined sewer. No operational development is to take place within 3 metres either side of the centreline of the sewer. Prior to commencing any operational development, the location of this asset should be determined. If operational development is likely to take place within 3 metres either side of this sewer please stop works and contact Dwr Cymru Welsh Water. The applicant may be able to divert this asset under Section 185 of the Water Industry Act 1991. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. The applicant should therefore be aware of Welsh Water's Conditions For Development Near Water Mains.
5. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under Section 106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.
6. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).
7. The applicant is advised that the existing building (marked as 'B1 on the ecological survey), is considered to be a curtilage listed building and that listed building consent is required before any works commence. Listed Building Consent is required for the demolition of a listed building or the carrying out of any works for the alteration or extension of a listed building in any manner that would affect its character as a building of special architectural or historic interest. Failure to obtain consent when it is needed is a criminal offence. Planning (Listed Building & Conservation Areas) Act 1990
8. All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:
www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
9. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty Living Places (Managing

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

Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

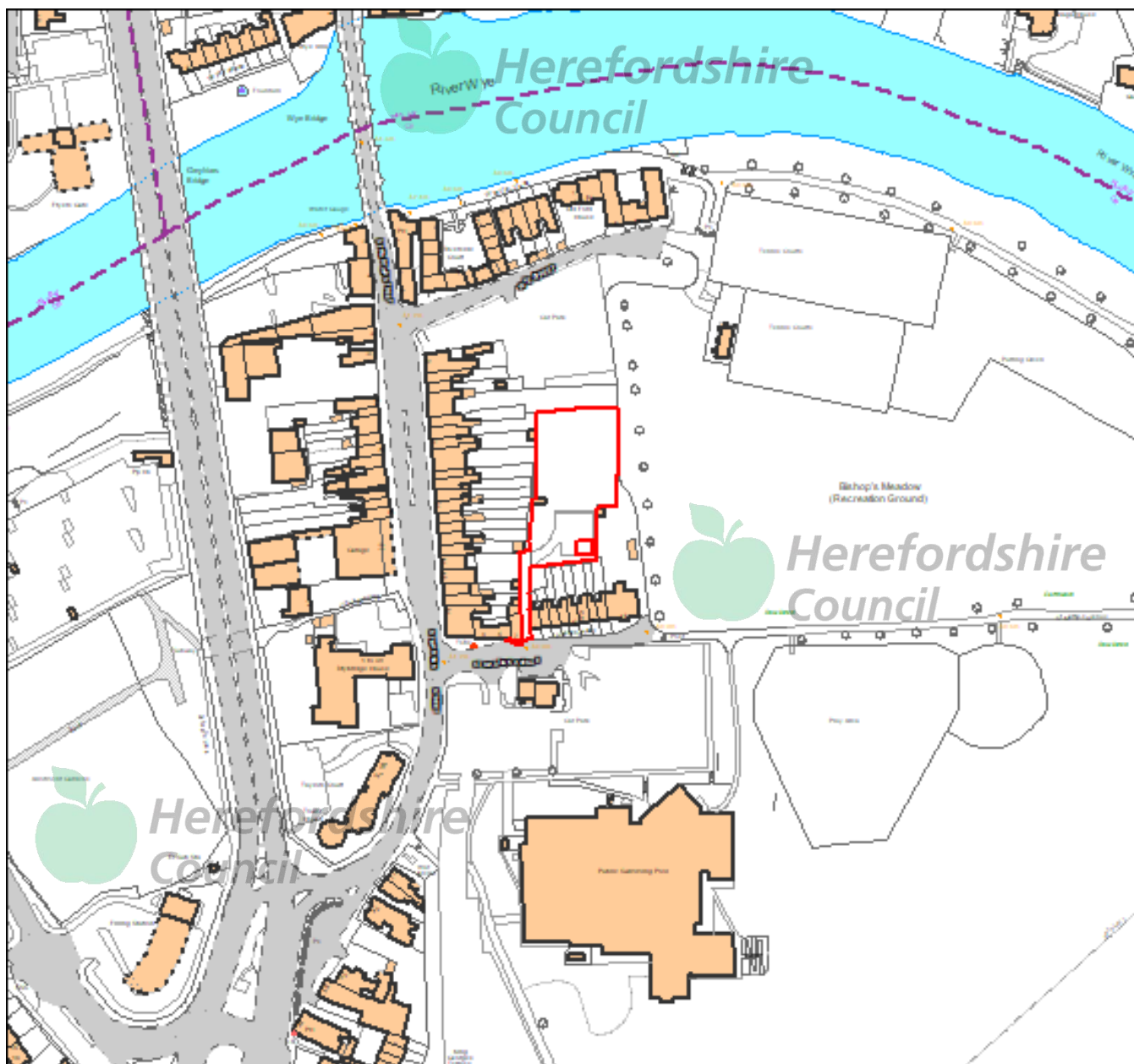
10. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.
11. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement
12. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
13. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
14. The site is within an Area of Archaeological Importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of this are that notice is required of any proposed operations which will disturb the ground. An Operations Notice and accompanying Certificate should be served on Herefordshire Council prior to the commencement of such operations and a Section 35 Notification is additionally required under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act.

Decision:

Notes:

Background Papers

None identified.



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

APPLICATION NO: 230432

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

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