

# Planning Statement

incorporating

# Design and Access Statement

Application under Section 73A of the Town and Country Planning Act 1990 for the creation of a patio / outdoor dining area at Holmer Park Health Club.

Mosaic Spa & Health Clubs

October 2021



Contents

---

1. Introduction and Description of Development .....3

2. Planning Policy .....4

3. Policy Appraisal..... 7

4. Design and Access Statement .....9

5. Conclusion .....11

## 1. Introduction and Description of Development

---

- 1.1 This Technical Note seeks retrospective permission under Section 73A of the Town and Country Planning Act for the creation of a patio / outdoor dining area at Holmer Park Health Club and Spa, Cleeve Orchard, Roman Road, Hereford, HR1 1LL.
- 1.2 Holmer Park Health Club and Spa is a well-established and popular health club on the northern outskirts of Hereford. Housed in a large period property, it comprises a reception area, café, function rooms, gym, pool, spa and rooms for workout classes.
- 1.3 Planning permission for the club was granted on 16th October 2002 (ref. CW2002/0819/F). The proposal was described as the *change of use of Wiggins Social Club to D2 (Health and Leisure Club) with extensions to form a cardio fitness training area and swimming pool*. The swimming pool was provided as a single-storey, flat-roofed extension on the southern side of the building.
- 1.4 Providing refreshments to members and their guests is an important part of the customer experience, and of the Club's business. When Covid-19 restrictions prevented the business from serving refreshments indoors, the applicant created an outdoor seating and dining area on a hitherto unused patch of grass above the swimming pool. This allowed the business to continue to operate in a safe and compliant manner. Providing the patio in this location was the obvious solution: the existing french doors open directly onto the roof of the pool, and the space had no alternative use.
- 1.5 At the time, a swift and decisive response to the Government's guidelines was needed, so the patio was laid out without delay. It was later brought to the applicant's attention that planning permission would be needed for the work, as expressed through a letter from Mr Clive Lloyd of Herefordshire Council, dated 1st October 2021. This application thus seeks retrospective consent for the development described.

## 2. Planning Policy

---

- 2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Local Planning Policy**

- 2.2 The Local Development Plan for Herefordshire is the Core Strategy (CS), which was adopted on 16th October 2015. The CS provides the policy framework against which this application should be determined.

- 2.3 A number of Core Strategy policies have been identified as being specifically relevant to this development, namely:

- SS1 (Presumption in Favour of Sustainable Development)
- SS6 (Environmental Quality and Local Distinctiveness)
- SD1 (Sustainable Design and Energy Efficiency)
- LD1 (Landscape and Townscape)
- SC1 (Social and Community Facilities)
- MT1 (Traffic Management, Highway Safety and Promoting Active Travel)

### **SS1: Presumption in Favour of Sustainable Development**

- 2.4 This policy confirms that, when considering development proposals, Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development required by National policy.

**SS6:** Environmental Quality and Local Distinctiveness

- 2.5 This policy requires proposals to conserve and enhance environmental assets: in particular, settlement pattern, landscape, biodiversity and heritage assets.

**SD1:** Sustainable Design and Energy Efficiency

- 2.6 Proposals should create safe, sustainable and well-integrated environments. The policy requires proposals to make efficient use of land, taking into account the local context and site characteristics. Additionally, development should safeguard residential amenity for residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.

**LD1:** Landscape and Townscape

- 2.7 This policy confirms that development proposals should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site. Additionally, proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management.

**SC1:** Social and Community Facilities

- 2.8 This policy relates to development proposals which protect, retain or enhance social and community infrastructure. The policy confirms that such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.

**MT1:** Traffic Management, Highway Safety and Promoting Active Travel

- 2.9 This policy states that development proposals cover movement and transportation, demonstrating that the local highway network can absorb the traffic impacts of the development.

**National Planning Policy**

- 2.10 The most recent National Planning Policy Framework (NPPF) was published in July 2021. It supersedes the 2012, 2018 and 2019 editions. Paragraph 2 of the NPPF confirms that the NPPF itself must be taken into account as a material planning consideration in planning decisions. To ensure that sustainable development is pursued in a positive way, a presumption in favour of sustainable development lies at the heart of the NPPF.
- 2.11 This is explained in more detail in NPPF paragraph 11, which requires Local Planning Authorities to:
- c) approve development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole’.

## 3. Policy Appraisal

---

- 3.1 The patio provides an outdoor space for club members and their guests to enjoy the benefits of fresh air as part of their health and spa experience. It was built at time when Covid-19 restrictions were causing financial pressure on the business and having the facility enabled the Club to avoid putting any more of its employees on furlough.
- 3.2 The patio is located over an existing flat roof and thus makes efficient use of land which is already developed. It is located immediately next to the café it serves and caters solely for the Club's existing customers, so does not attract additional vehicles to the site. We consider that it provides a sustainable use in a sustainable location and therefore conforms to the requirements of policy SS1.
- 3.3 The patio has carefully considered the impact on the surrounding area as required by SS6. The decking and seating area complements the historic building whilst having no discernible impact on biodiversity or settlement pattern. This part of the site is surrounded by well-established and mature trees, which mitigates very effectively any impact the patio might have on its landscape setting.
- 3.4 The outdoor seating area is only open from 8am to 8pm (while the café is open) and thus has minimal impact on its surroundings in terms of noise. Low-level uplighting is provided within the decking itself. The patio is enclosed by a trellis fence, so little light escapes into the environment. All lights are turned off when the Club closes. Residential amenity is further protected by the substantial belt of trees surrounding the site: these dampen noise and prevent overlooking. The patio has no impact on groundwater or land stability. We, therefore, consider policy SD1 of the Core Strategy to have been.
- 3.5 Policy LD1 relates to landscape and townscape. We consider that the development supports this policy as it creates a relaxed outdoor space

which reflects how the lawn outside the house would originally have been used. The site does not form part of a public space, nor can it be seen from surrounding properties, so its impact on the wider townscape of Hereford is negligible. Careful consideration was given to the design and layout to ensure it complemented the Club's existing high-quality facilities. This was largely a business decision by the applicant, but has resulted in a simple yet elegant wooden structure which enhances both the setting of the building and its use as a leisure destination.

- 3.6 The development conforms to policy SC1 as it has helped support an existing business through a time of great uncertainty, allowing Holmer Park to continue trading within the parameters of restrictive Government Covid-19 rules. The outdoor seating helped provide an income when the business would have otherwise been closed entirely and not trading. The patio proved very popular with the Club's community of customers, and now forms an important part of their experience at the Club. The patio is accessible on foot to a considerable number of people living in Holmer, along with all the Club's facilities.
- 3.7 The patio caters for existing customers using the Club's café. As such, it has not contributed to any increase in traffic or need for parking. It therefore complies with policy MT1 of the Core Strategy.



## 4. Design and Access Statement

---

- 4.1 **Use.** The patio forms an extension to Holmer Park's existing café. It provides an area for customers to eat and drink outdoors while the café is open for business from 8am to 8pm.
- 4.2 **Amount.** The patio comprises a wooden deck measuring 14.36m by 7.38m. The top of the deck stands 0.3m above the surrounding lawn. The patio is surrounded by a wooden trellis fence which stands 1.1m above the top of the decking. The east side of the patio is flanked by a taller, wavy trellis screen which stands 2.49m above the top of the deck at its highest point.
- 4.3 **Layout.** The patio stands on the south side of the building, from which it can be accessed directly from the café by way of a pair of french windows. The patio is oriented to take advantage of any sunshine we may have. The wooden trellis fence prevents customers straying onto the swimming pool roof (which is out of bounds) and the wavy screen softens the view of the patio from the nearest neighbouring property.
- 4.4 **Scale.** The patio has been designed to fit neatly within the frontage of the building, and to provide a human-scale outdoor space which functions as an extension of the indoor café. For measurements, see 4.2 above.
- 4.5 **Landscaping.** The patio does not have any landscaping of its own. The southern perimeter of the Holmer Park site comprises a solid band of well-established trees. These largely prevent any views of the patio from neighbouring properties and prevent any overlooking of neighbours from the patio itself.
- 4.6 **Appearance.** The patio has the appearance of a low deck surrounded by a low trellis fence. Wood has been used throughout. It reads very much as a continuation of the café space from within the building. The swimming pool roof is out of bounds to customers and the decking is not generally visible from the surrounding houses, so most people only see the

development from within the building or from above, while they are using it. Low-level uplighting is provided within the decking itself, so as to minimise light spillage.

- 4.7 **Vehicular and Transport Links.** The patio is only accessible to customers using the Club café. Its vehicular and transport links are, therefore, the same as those for the Club as a whole. Most people drive to the site, but those living in Holmer have the option of walking or cycling.
- 4.8 **Inclusive Access.** The patio has step-free access from the main building, with a ramp leading up from the french windows to the decking. There are disabled parking bays right next to building's main entrance.

## 5. Conclusion

---

- 5.1 In conclusion, this application seeks permission for the retrospective construction of an outdoor seating area associated with the existing café at Holmer Park Health Club and Spa.
- 5.2 It is considered that the relevant Core Strategy policies have been satisfied and that the development does not compromise residential amenity by creating additional traffic, overlooking of properties or uncommon levels of noise or lighting.
- 5.3 The development complements the form and use of a historic building, and has enabled an established community asset to continue trading. With this in mind, we consider that the benefits of providing a well-designed outdoor space more than outweigh any objectively-assessed harm.