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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 19 MARCH 2025 |
| TITLE OF REPORT : | 241536 - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT TWO STOREY SELF BUILD/CUSTOM BUILD DWELLING WITH GARAGE AT THE CHOUGHS, 68 PENN GROVE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1BT For: Mr Nash per Mr David F Baume, Studio 2, Thorn Office Centre, Holme Lacy Road, Rotherwas, Hereford, Herefordshire HR2 6JT |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241536 |
| Reason Application submitted to Committee – Redirection (Public Interest) | |

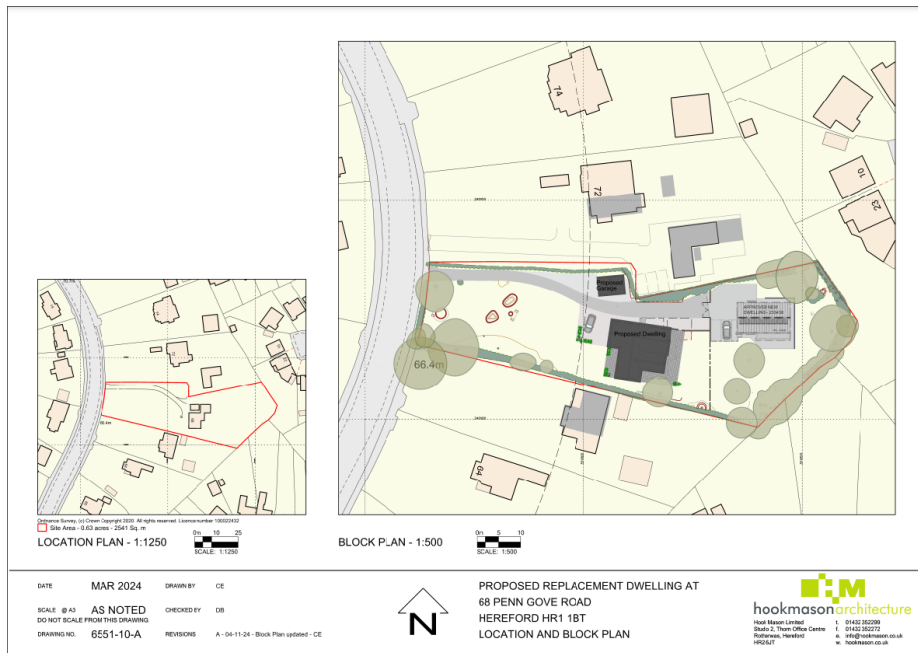
Date Received: 17 June 2024
Expiry Date: 25 October 2024
 Local Member: Cllr Ben Proctor

Ward: College

Grid Ref: 351812,240917

1. Site Description and Proposal

- 1.1 The application site comprises an existing dwellinghouse known locally as ‘The Choughs’, and its associated residential garden curtilage. The western, southern and northern site boundaries are defined by a combination of hedging, tree and shrub planting. Of particular relevance is a cherry tree positioned adjacent to the existing shared vehicular access and driveway off Penn Grove Road which benefits from a Tree Protection Order (TPO 105). Ground levels rise gradually from west to east throughout the application site with the existing detached dwellinghouse dating back to the late 1950s /early 1960s and is of brick walling under a hipped clay tile roof.
- 1.2 The application site is not within, nor is it constrained any specific heritage or landscape designations though the wider streetscene can be characterised by mature landscaping and the presence of well-maintained period properties, some of which date back to as early as late-Victorian and Edwardian, along with post-war and more contemporary infill development. Properties between Nos. 66-80, including the application site, are noticeably well set back from the streetscene on the eastern side of Penn Grove Road, whereas dwellinghouses further south are somewhat more staggered and positioned much closer to the road frontage. This is similarly the case for dwellinghouses located to the west of Penn Grove Road.
- 1.3 Members will have noted above reference to a shared access and for context, there is a recent approval for a new dwellinghouse to the rear garden (east) of The Choughs (LPA reference: P233438/F).
- 1.4 This application seeks full planning permission to demolish The Choughs and erect a two-storey self-build replacement dwelling with detached garage along with associated works. The deposited plans which form the consideration of this application are provided below:



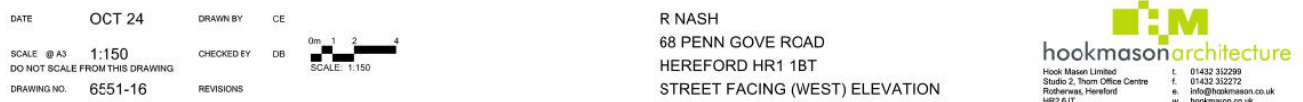
Location Plan and Block Plan



Proposed Site Plan and Garage



Proposed Elevations



Proposed Street Facing (West) Elevation - For context, the approved dwellinghouse (approved under P233438/F) is included within the proposed site layout to demonstrate how the proposed replacement dwelling would sit within the streetscene with the additional dwellinghouse already approved.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted 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 |
| MT1 | - | Traffic Management, highway safety and promoting active travel |
| LD1 | - | Landscape and townscape |
| LD2 | - | Biodiversity and geodiversity |
| LD3 | - | Green Infrastructure |
| SD1 | - | Sustainable Design and energy efficiency |
| SD3 | - | Sustainable water management and water resources |
| SD4 | - | Waste water treatment and river water quality |

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

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

2.2 National Planning Policy Framework (NPPF)

Revised on 12 December 2024 (please note that the National Planning Policy Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024):

- 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

The NPPF sets out the government's planning policies for England and how these are expected to be applied in both plan-making and decision-making. This supersedes the most recently revised version published on 20 December 2023. The revised NPPF can be viewed using the following link:- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

[2](#)

2.3 National Planning Practice Guidance (NPPG)

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

3. Planning History

P250209/XA2 – Application for approval of details reserved by conditions 3 and 7 attached to planning permission 233438 – Approved

P233438/F – Proposed single detached dwellinghouse within the property curtilage – Approved with conditions

P220614/F – Proposed detached dwellinghouse within curtilage of 68 Penn Grove Road with shared private drive – Refused; Appeal Dismissed (APP/W1850/W/22/3311825 – 27 July 2023)

P141371/FH – Proposed partial demolition of existing rear extension and garage and construction of new extension – Approved with conditions

S111305/J – Crown raise 1 x Cherry tree sufficiently to allow vehicle access onto drive. Crown thin and crown clean to remove dead and crossing limbs and improve visual appearance - Trees covered by TPO – Consent Granted.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objections; conditions recommended

1st consultation 18/7/24

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

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, following review of the proposed drainage strategy it seems the proposal is to discharge surface water flows to the public combined sewer. Although soakaway systems have been explored and exhausted there is little information into the investigations into other sustainable means of drainage such as rainwater harvesting and surface water sewers such as highway drains. We are therefore not in a position to agree surface water flows into the public combined sewer and advise that the developer explores and fully exhausts all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000.

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

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 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.

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."

2nd consultation 26/11/24

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

Having reviewed the submitted details in relation to the management of surface water for this development, Dwr Cymru Welsh Water are satisfied that the surface water Hierarchy has been exhausted. We therefore accept the proposal to discharge of surface water flows to the combined sewer at a controlled rate of 2l/s providing a betterment of 62%.

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

Condition

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2l/s.

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

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Please quote our reference number in all communications and correspondence."

4.2 Natural England – No response received

4.3 Herefordshire Wildlife Trust – No response received

Internal Council Consultations

4.4 Ecologist – No objections; conditions recommended

1st consultation 29/7/24

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

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

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

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific

and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

Notes in Respect of HRA

The proposal is to create ONE replacement, new dwelling with associated new/increased foul and surface water flows (nutrient pathways) created.

- The existing dwelling is served by a mains sewer connection to manage foul water flows.*
- The proposal is to manage all new foul water flows through the existing mains sewer connection.*
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.*
- At this location the mains sewer system is managed through the Welsh Water Waste Water Treatment Works at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'*
- As a replacement dwelling no significant additional flows will be created.*
- Any 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.*
- All surface water flows created will be managed through onsite SuDS-infiltration features*

The agreed foul water and surface water management systems can be secured for implementation by appropriate conditions on any planning permission granted.

With relevant mitigation secured there are no identified adverse effects on the integrity of the River Wye SAC. The completed HRA should be subject to formal consultation with Natural England prior to any final grant of planning permission.

Suggested condition

Habitat Regulations - Nature Conservation (River Wye SAC) – Foul and Surface Water

Unless otherwise agreed in writing by the Local Planning Authority all foul water flows created by the approved development shall be managed through connection to the local DCWW mains sewer system; and all surface water managed by onsite infiltration-Sustainable Drainage Systems.

Reason: In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

From supplied and available information the LPA doesn't identify the construction of the development as having any likely direct effects on local protected species although appropriate precautionary working methods are proposed in the ecology report. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection at all time through the Wildlife & Countryside Act. There are records of multiple bat species within the locality.

Wildlife Protection Informative

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

working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

Suggested Conditions:

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

Protected Species and Dark Skies (external illumination)

No external lighting 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

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. To secure these enhancements a relevant Condition is suggested:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of any of the dwelling approved under planning permission, evidence of the suitably placed installation on the approved buildings, or on other land under the applicant's control, of a minimum of TWO bird nesting features, TWO bat roosting features, of mixed types and ONE Hedgehog home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

2nd consultation 21/11/24

"The applicant has revised the layout design and included a plan for rainwater harvesting. The revised layout does not impact the outcome of the original HRA and ecological comments made including suggested conditions should still apply."

Case Officer Note: A copy of the completed Habitats Regulation Assessment (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (the 'Habitats Regulations') relating to this application is available through the following webpage:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241536

4.5 Area Engineer – No objections; conditions recommended

1st consultation 16/7/24

"The Local Highway Authority have reviewed this application to facilitate the erection of a replacement dwelling within the property curtilage. It notes that there is an approved application (Ref: 233438) for an additional dwelling within the garden of 68 Penn Grove Road.

The proposed development would utilise the existing access which currently has sufficient visibility.

The plans suggest that a double garage will be provided at the rear of the property. Whilst there is adequate space within the garage to accommodate two cars, there is concern that cars will not be able to safely egress as the surrounding enclosed space is tight. Please either provide tracking to demonstrate that two cars can safely egress the double garage, or consider removing the adjacent wall to allow for a greater space for manoeuvring. It is worth mentioning that for a 4 bedroom property we would expect a minimum of 3 car parking spaces to be provided and there currently is sufficient space to accommodate this at the front of the property.

The Local Highway Authority requests further details regarding the parking arrangements for the proposed development to evaluate the suitability of the application.

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>

2nd consultation 29/8/24

"The Local Highway Authority has reviewed the vehicle tracking for the proposed parking arrangements and is satisfied that the site can safely accommodate and manoeuvre three vehicles without adversely affecting the local highway. Accordingly, the Local Highway Authority raises no objections to the proposals subject to the following conditions being met.

- 1) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."

3rd consultation 7/11/2024

"We note that the applicant has revised the layout design, relocating the double garage to the front of the property. This design is preferred by the Local Highway Authority, as it improves the access arrangements for the newly approved neighbouring dwelling (Ref: 233438) and enhances visibility for vehicular movements.

As such, no objections subject to the following conditions being met:

CB2 – Secure covered cycle parking provision"

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

4.6 Land Drainage Engineer – No objections

1st consultation 5/9/24

“We have been consulted on the above application. We note that a planning permission application has been approved with conditions for this site (233438) for a new dwelling located to the rear of the existing dwelling (eastern area of the site) for which we were not consulted. This application (241536) is for the replacement of the existing dwelling with a new dwelling. It appears that the majority of the text within the ‘Surface Water Management and Foul Drainage Strategy’ document which has been provided for this application (241536), is the same as submitted under 233438.

Due to the failure of infiltration testing onsite, we note proposals for a detention basin with a limited discharge to the Welsh Water public combined sewerage system. Although it is stated within the ‘Surface Water Management and Foul Drainage Strategy’ (Ref: FD150A) provided for this application that ‘Dwr Cymru have confirmed that the site can discharge at 2l/s into their system if this is smaller than the existing discharge’, we note that Welsh Water’s most recent response (dated 18.07.24) reads:

- Turning to surface water, following review of the proposed drainage strategy it seems the proposal is to discharge surface water flows to the public combined sewer. Although soakaway systems have been explored and exhausted there is little information into the investigations into other sustainable means of drainage such as rainwater harvesting and surface water sewers such as highway drains. We are therefore not in a position to agree surface water flows into the public combined sewer and advise that the developer explores and fully exhausts all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication ‘Building Regulations 2000.

As such, the current surface water drainage proposals are not viable. We are not able to provide further comment until the Applicant satisfies Welsh Water and an agreement is reached. We must be reconsulted upon receiving this information to review the technical drainage proposals and provide a formal consultation response accordingly.”

2nd consultation 14/11/24

“It appears that the majority of the recent submissions involve rebuttal evidence in response to Welsh Water regarding the proposed surface water discharge to the public combined sewer. No further comments have yet been provided by Welsh Water following this new information. As explained in our previous email (attached), due to the proposals, we are not able to provide further comment until the Applicant satisfies Welsh Water and an agreement is reached. We must be reconsulted upon receiving this information to review the technical drainage proposals and provide a formal consultation response accordingly. Please let me know when further comments from Welsh Water are received.”

3rd consultation 16/1/25 (following updated representation by DCWW)

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|------------------------|---|
| SITE: | The Choughs, 68 Penn Grove Road, Hereford, Herefordshire HR1 1BT |
| TYPE: | Planning Permission |
| DESCRIPTION: | Proposed demolition of existing dwelling and erection of a replacement two storey self-build/custom build dwelling with garage. |
| APPLICATION NO: | 241536 |
| GRID REFERENCE: | OS 351812 – 240917 |
| APPLICANT: | Mr R Nash |
| AGENT: | Mr D F Baume |

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

- Application for Planning Permission;
- AMENDED Location/Block Plan 4.11.2024 (Ref: 6551-10-A);
- AMENDED Proposed Site Plan 23.10.2024 (Ref: 655-11-A);
- Topographical Survey (Ref: MG1747_S1);
- Design and Access Statement;
- AMENDED Surface Water and Foul Drainage Strategy 4.11.2024 (Ref: FD150A Rev 4);
- Rebuttal to Welsh Water and Land Drainage Comments 1.11.2024.

Overview of the Proposal

The Applicant proposes the demolition of an existing dwelling and construction of a new replacement dwelling with garage. The site covers an area of approx. 0.25ha. The topography of the site slopes down from east (73.05mAOD) to west (67.35mAOD) by approx. 6m.

Site Location

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



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

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

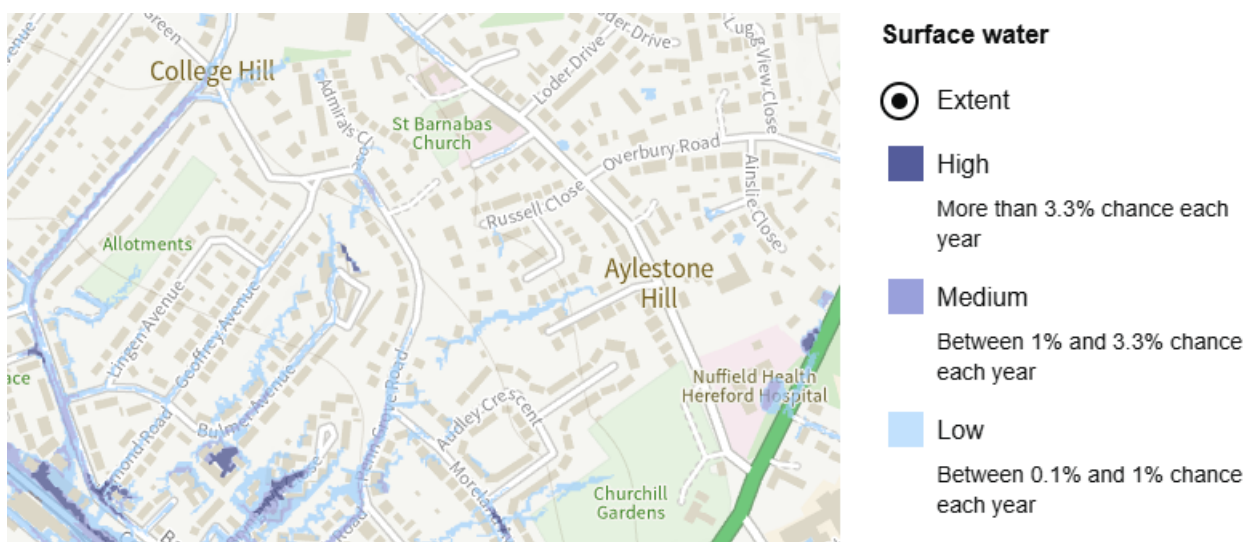
**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that there is a low risk surface water flow route through the eastern area of the site, to the southeast of the existing dwelling. The flood depths within the curtilage of 68 Penn Grove are within a flood flow route although flood depth during this low-risk event are mapped as typically being below 0.3 m (Figure 2). The surface water flow route across the site may also not be a true representation as public surface water sewers are present in the area which will convey surface water runoff.

The proposed finished floor level of the dwelling is 70.88mAOD; this appears to be approx. 0.9m above existing surrounding ground levels which is notably raised in order to mitigate the mapped risk of surface water flooding.

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

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

Surface Water Drainage

We understand that infiltration testing has previously been undertaken at the site under a previous planning application (220614). As stated in the drainage strategy, it was concluded that the testing failed, and the ground conditions would not support a surface water discharge to ground. A groundwater level assessment was also conducted to a depth of 2.5m and no groundwater was encountered.

The existing surface water drainage arrangements for 68 Penn Grove Road comprise a connection to the Welsh Water public combined sewer.

As soakage is not viable for infiltration techniques, and the nearest watercourse is 600m away from the site, a connection to the public combined sewer is proposed. Welsh Water have confirmed that this is acceptable upon achieving a 2l/s discharge; it is noted that this is a 62% betterment on the existing scenario.

A detention basin is proposed to attenuate runoff prior to offsite discharge. We have significant concerns regarding this arrangement given the proposed discharge to the public combined sewer; there is an inherent risk that the sewer could back up and cause foul water to enter the open detention basin features. This would result in odour issues and health risks. Therefore, we ask that the Applicant considers an underground attenuation tank instead of a detention basin; therefore, should the sewer back up, the foul water would be held underground.

A HydroBrake is proposed to limit the discharge to 2l/s; the orifice size has not been specified. We note that the orifice size is likely to be less than the preferred 75mm, however, as it is for a single dwelling, the homeowner will need to be responsible for ensuring it does not become blocked. Please confirm the proposed orifice diameter.

The current surface water drainage system has been sized to accommodate a 1 in 100yr + 45% CC event; upon confirming the proposals in line with the above advice, revised sizing calculations should be submitted.

The surface water drainage system is all gravity fed.

Foul Water Drainage

We note that there is a public sewer within 30m of the proposed development site. Welsh Water have confirmed that the foul flows from the proposed development can be accommodated within the public combined sewer.

Overall Comment

HOLDING OBJECTION

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

- Confirmation of the surface water drainage arrangements in line with the above advice, supported by sizing calculations for a 1 in 100yr + CC event. The proposed orifice diameter should also be confirmed."*

4th consultation 4/2/25

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|------------------------|--|
| <i>"SITE:</i> | <i>The Choughs, 68 Penn Grove Road, Hereford, Herefordshire HR1 1BT</i> |
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| <i>APPLICATION NO:</i> | <i>241536</i> |
| <i>GRID REFERENCE:</i> | <i>OS 351812 – 240917</i> |
| <i>APPLICANT:</i> | <i>Mr R Nash</i> |
| <i>AGENT:</i> | <i>Mr D F Baume</i> |

Our knowledge of the development proposals has been obtained from the following additional sources since our previous response in January 2025:

- AMENDED Surface Water Management and Foul Drainage Strategy 30.01.25 (Ref: Rev 5).

Overview of the Proposal

The Applicant proposes the demolition of an existing dwelling and construction of a new replacement dwelling with garage. The site covers an area of approx. 0.25ha. The topography of the site slopes down from east (73.05mAOD) to west (67.35mAOD) by approx. 6m.

Site Location

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



Flood Risk

Fluvial Flood Risk

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

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

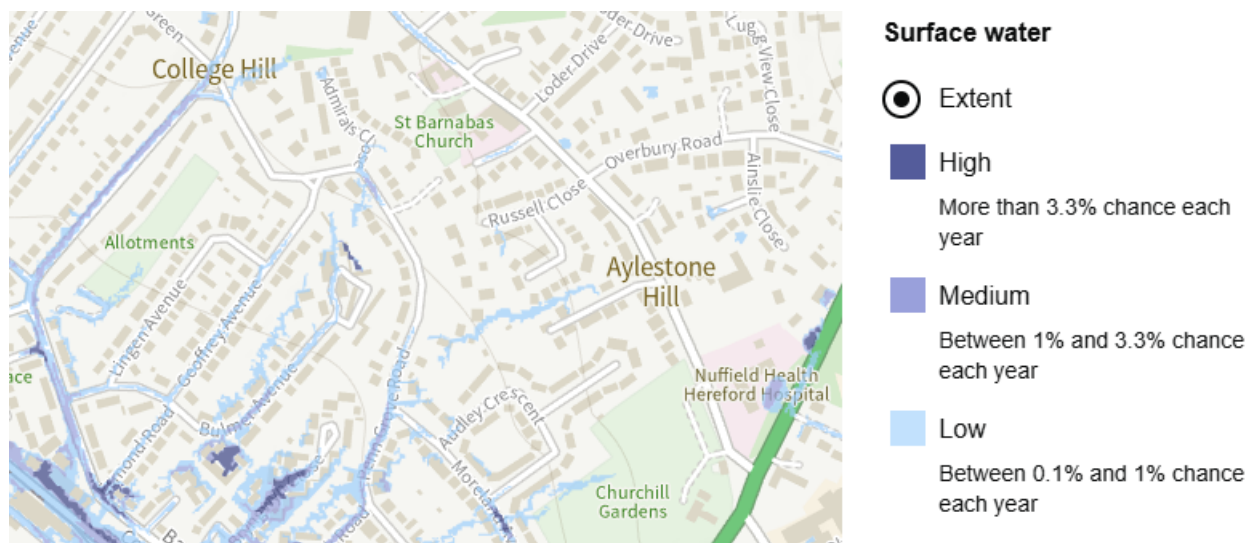
*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that there is a low risk surface water flow route through the eastern area of the site, to the southeast of the existing dwelling. The flood depths within the curtilage of 68 Penn Grove are within a flood flow route although flood depth during this low-risk event are mapped as typically being below 0.3 m (Figure 2). The surface water flow route across the site may also not be a true representation as public surface water sewers are present in the area which will convey surface water runoff.

The proposed finished floor level of the dwelling is 70.88mAOD; this appears to be approx. 0.9m above existing surrounding ground levels which is notably raised in order to mitigate the mapped risk of surface water flooding.

Figure 2: EA Surface Water Flood Risk Mapping.



Other Considerations

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

Surface Water Drainage

We understand that infiltration testing has previously been undertaken at the site under a previous planning application (220614). As stated in the drainage strategy, it was concluded that the testing failed, and the ground conditions would not support a surface water discharge to ground. A groundwater level assessment was also conducted to a depth of 2.5m and no groundwater was encountered.

The existing surface water drainage arrangements for 68 Penn Grove Road comprise a connection to the Welsh Water public combined sewer.

As soakage is not viable for infiltration techniques, and the nearest watercourse is 600m away from the site, a connection to the public combined sewer is proposed. Welsh Water have confirmed that this is acceptable upon achieving a 2l/s discharge; it is noted that this is a 62% betterment on the existing scenario.

In line with our previous comments, we note proposals for an attenuation tank with a limited discharge to the public combined sewer. A HydroBrake is proposed to limit the discharge to 2l/s; the proposed orifice diameter has been confirmed to be 62mm. The Applicant should be aware of the risk of blockages associated with orifices smaller than 70mm diameter. The homeowner will be responsible for the maintenance accordingly.

The surface water drainage system has been sized to accommodate a 1 in 100yr + 45% CC event. However, the proposed attenuation tank dimensions of 40m x 40m x 0.65m appear to be extremely large given that the infrastructure is only proposed to serve a single dwelling and would likely not fit within the site boundary. Therefore, we assume this is an error and this should be corrected accordingly.

The surface water drainage system is all gravity fed.

Foul Water Drainage

We note that there is a public sewer within 30m of the proposed development site. Welsh Water have confirmed that the foul flows from the proposed development can be accommodated within the public combined sewer.

Overall Comment

Subject to confirming the proposed attenuation tank dimensions, in line with the above advice, whilst ensuring it can still accommodate a 1 in 100yr + CC event, we would hold no objection to the proposed development.”

Case Officer Note: Further to the most recent representation submitted by the Land Drainage Engineer, the applicant has confirmed the sizing of the attenuation tank to be 40m², which ensures it can still accommodate a 1 in 100yr + CC event as per the updated Surface Water Management and Foul Drainage Strategy (Revision 6 – received on 7 February 2025).

4.7 Tree Officer – No objections; conditions recommended

1st consultation 4/7/24

“No Objection. Having viewed the plans and tree report I am of the opinion the proposed project is achievable without having a detrimental impact on retained trees. Accordingly my opinion is the proposal is compliant with policies LD1 & LD3

Conditions - Trees In accordance with plans

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

68 Penn Grove Road, Hereford

Tree Survey & Arboricultural Impact Assessment

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

2nd consultation 17/12/24

“I have reviewed the amended plans and have the following comments in relation to the arboricultural resource within the site.

The amended layout shows that the detached garage block is to be re-located adjacent to hedgerow H1 on the northern boundary. Impact to the hedgerow can be limited from the use of temporary tree protection fencing to restrict construction activities within the RPA of the hedgerow.

The submitted tree report protection plan (Mackley Davies Associates Ltd – April 2024) should be updated and re-submitted to reflect the change in the layout. If this is implemented, I will have no objection to the amended layout.”

Case Officer Note: The applicant is amenable to a pre-commencement condition which will require the updating of and re-submitting the tree report protection plan to reflect the amended changes in site layout.

4.8 Environmental Health Technical Officer (Contaminated Land) – No objections

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

5. Representations

5.1 Hereford City Council – Objection

1st consultation – No response received

2nd consultation 13/12/24

“Hereford City Council Planning Committee OBJECTS to the reconsultation of planning application 241536. Whilst accepting the principle of a new house on the site, Cllrs feel their previous comments are still valid as the design has not changed and the site would welcome a design with a more positive reflection of the surrounding area. There is continued concern over the degree of overlooking, particularly to the North side and in view of it being such a large site, it continues to have an overbearing effect.”

5.2 All of the remaining third party representations comprise 15 letters of objection from 9 residents from 7 different properties. Officers have summarised these representations as follows:

- Existing dwellinghouse is of architectural merit
- Not sustainable to demolish and erect replacement dwelling
- Impact on character and appearance of the area
- Effects upon residential amenity including loss of light, privacy and view
- Poor design
- Lack of understanding in terms of site/streetscene topography
- Loss of wildlife/habitat
- Noise and dust pollution
- Highway safety issues
- Carbon footprint
- Impacts during construction phase
- Applicant motives

All consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241536

6. Officer's Appraisal

Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework also 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.
- 6.4 In reaching a decision, the level of consistency of policies in the local plan with the NPPF will therefore need to be taken into account by the Council. From reviewing those policies within the CS applicable to the determination of this application (see 2.1 of this report), your officer would view these to be entirely consistent with the guidance contained within the NPPF. As such, significant weighting should be afforded to these policies. This position has also been crystallised at the Appeal Court prior to the recent revisions to the NPPF coming into effect following the *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG [2016] EWCA Civ 168* were described by the Court thus *"We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H)"*.
- 6.5 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking on planning applications, Paragraph 11d states that where there are no relevant development plan policies, or the policies which are most important for determining the application are 'out-of-date' (namely, in instances where planning applications involve the provision of housing), granting planning permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (Paragraph 11di); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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 (Paragraph 11dii).
- 6.6 The local authority is currently failing to provide a five-year Housing Land Supply (the most recently published position is 3.06 years as of January 2025). As such, Paragraph 11d is therefore engaged.
- 6.7 Paragraph 12 of the NPPF is 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. Your officer has therefore made a detailed assessment of the proposal against the policies of the development plan, though the proposal does need to be considered in accordance with Paragraph 11d of the NPPF given the housing land supply position which needs to be balanced against other factors/technical material considerations in the development plan and NPPF.

Principle of Development

- 6.8 Policy SS1 of the CS states that applications that accord with the policies in the CS will be approved unless material considerations indicate otherwise. CS Policy SS2 states that Hereford

is the main focus for new housing development to support its role as the main centre in the county, expecting to deliver 6,500 new dwellings of the minimum 16,500 dwellings over the current plan period of the CS.

- 6.9 The principle of demolishing an existing dwellinghouse which lies in the built form of Hereford and the erection of a replacement detached property, is acceptable in principle and would comply with Policy HD1 of the CS. This position is taken given the application site is within a sustainable location, where residential development is acceptable and the existing application site comprises a lawful residential curtilage.
- 6.10 However, acceptability of a proposal is more than simply a matter of its sustainable location. Other technical considerations need to be assessed before bringing together in the planning balance.

Design and energy efficiency

- 6.11 In terms of the proposed design, Policies SD1 and SS7 of the CS are applicable. This is consistent with the guidance contained within Section 12 of the NPPF, which dedicates a whole chapter to achieving well-designed places. Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, development proposals should ensure that proposals make efficient use of land - taking into account the local context and site characteristics and that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design.
- 6.12 In terms of energy efficiency aspects, there is a desire to utilise physical sustainability measures that include, in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure. Where possible, on-site renewable energy generation should also be incorporated
- 6.13 The existing dwellinghouse is understood to have been erected sometime during the late 1950's/early 1960's. It is recognised that retrofitting to the existing dwellinghouse would likely require considerable updating and upgrading to provide thermally efficient living accommodation for occupation though officers accept that it could reasonably be done without requiring the benefit of planning permission. Nevertheless, although inoffensive in its appearance and sited comfortably in its pleasing surroundings, the existing dwellinghouse is not of any particular historic or architectural interest or merit.
- 6.14 The character of the area in this particular location, is underpinned by the conformity of pre-war 'Arts and Crafts' development positioned carefully along Penn Grove Road which partly contributes positively to a sense of place. This is enhanced further by the openness provided by the set-back nature of residential development at the application site itself and adjoining development on the eastern side of Penn Grove Road.
- 6.15 The proposal utilises a contemporary design approach, with vehicle parking and storage to the north of the dwellinghouse, brickwork and render to the proposed elevations and pitched roof. Your officer recognises that the proposal is, on the face of it, a slight departure from the traditional design approach that may reasonably be noted in immediate neighbouring dwellings, however architectural choices have been made to reflect the style of wider development along Penn Grove Road, noting the applicants submission of a local vernacular justification as supporting documentation, with the proposed fenestrations, architectural detailing, materials, ridgeline, and eaves levels remaining in keeping with nearby development so to maintain similar massing.

- 6.16 Having regard to the context of existing neighbouring dwellings sited along the eastern side of this section of Penn Grove Road which comprises substantial two storey detached dwellings within extensive plots. It is considered that the scale and design of the proposed two storey replacement dwelling, which utilises traditional massing together with a palate of high quality facing materials is entirely in keeping with its surroundings, reinforcing a positive contribution to architectural design.
- 6.17 It is proposed that the new dwelling would incorporate enhanced levels of thermal insulation to minimise heat loss from the building fabric, sustainable technologies for provision of heating source for water and space heating, together with an electric vehicle charging facility. The dwellinghouse also proposes PV panels, an ASHP, and is orientated so that the replacement dwelling can benefit from solar gain, without otherwise appearing to the detriment of the streetscene. The applicant has also revised the layout design and included a plan for rainwater harvesting which forms part of the wider surface water drainage strategy.
- 6.18 This application would represent an appropriate, high quality sustainable replacement dwelling, aspiring to achieving a well-designed place. The replacement dwelling is clearly designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making an appropriate contribution to the architectural diversity and character of the area such that it accords with Policies SD1 and SS7 of the CS, which is consistent with Section 12 of the NPPF.

Townscape and character and appearance of area

- 6.19 Paragraph 135f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 139 of the NPPF states that 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.
- 6.20 At a county level, Policy LD1 of the CS advises 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.
- 6.21 The proposed replacement dwellinghouse would be located to the west of the existing dwellinghouse. The applicant has sought, through supporting information, to identify a number of contemporary extensions/new dwellinghouses already built or approved along Penn Grove Road. This includes the existing contemporary dwellinghouse erected within the grounds of No. 72 which is partly visible from Penn Grove Road.
- 6.22 The area does not form part of a Conservation Area, nor are there any designated heritage assets affected. The location is however a very attractive suburban one with a very distinctive pattern arising from the very spacious and set back alignment of properties within the immediate vicinity. This particular characteristic is shared with the properties immediately to the south of the site 64 and 66 Penn Grove Road and those to the north 70-80 Penn Grove Road which are set back still further in a staggered arrangement. These particular properties stand out from others in the wider area and opposite which tend to have a much closer relationship with the road frontage. It is considered that the current arrangement is particularly distinctive and makes a valuable contribution to the locale. Reference to historic mapping shows that this part of the city was part of the northward expansion in the early C20th with the older properties that flank the application site evident on the Epoch 3 (1904-1939) and very evidently on the Epoch 4 (1919-1943) Pre-War Maps. The application property is clearly a later C20th infill as is 76 Penn Grove Road but what

is absolutely evident is that later additions to the street have retained the very open, staggered and set back layout and contributes to positively to this locality.

- 6.23 The site forms part of the large front garden of a detached property on Penn Grove Road. Whilst some other properties sit closer to the road, No 68 forms part of a group of dwellings that are some distance from the highway. Your officers accept that a lack of built development in the large front gardens of these properties creates a pleasing, spacious character. This was also recognised in the dismissed appeal of a previous application for a new residential dwelling in the garden curtilage here (see P220614/F).
- 6.24 Your officer recognises that the proposal would introduce residential development where currently there is none. It would impinge and lead to a modest loss of spaciousness that characterises that part of the road and street frontage, albeit not detrimentally. The development would be limited in height and set back within the garden. Amendments have been made to the plans which would, on balance, not disrupt the prevalent building line created by neighbouring dwellings and form an appropriate addition to the streetscene. The retention of vegetation would provide some additional filtering of views and would off-set any perceived harm to the streetscene.
- 6.25 Having regard to the above, including consideration of the previous appeal decision, it is maintained that the development would not adversely harm the character and appearance of the area and associated spatial qualities. As such, it would accord with Policies LD1 and SD1 of the CS which requires new development to be positively influenced by the character of the area and that new development takes into account the local context and site characteristics, and which is consistent with Section 12 of the NPPF.

Residential amenity

- 6.26 Having regard to Policy SD1 of the CS, which is consistent with Paragraph 135f) and 198 of the NPPF, the proposal needs to safeguard residential amenity for existing and proposed residents, including nearby residential receptors. The proposed scale, siting and design of the new replacement dwellinghouse are such that the proposal would have no additional adverse effects upon the residential amenities of surrounding properties than the existing dwellinghouse.
- 6.27 In reaching this view, regard has been had to the very similarly approved application adjacent to the site at No. 72, which has established a good quality level of design. Your officer has sought to take forward the concerns raised previously by the immediate neighbour at No. 66 by advising the applicant to erect the replacement dwelling as close as reasonably possible to the existing footprint dwelling. Whilst amendments have been made, the applicant has sought a determination of the application as submitted for consideration.
- 6.28 In the absence of any technical guidance with the CS or NPPF, your officer appreciates that a subjective view needs to be taken on issues like residential amenity. However, the ability to obscure glaze windows, as reasonably necessary, taken together with adequate separation distances and appropriately positioned fenestration would not give rise to adverse effects upon adjoining residential amenity.
- 6.29 With the additional ability to control working hours during the construction phase by condition, including that of a submission and implementation of construction traffic management plan, your officers are content that the proposal accords with Policy SD1 of the CS, which is consistent with Paragraphs 135f and 198 of the NPPF.

Habitat Regulations Assessment, ecology and biodiversity

- 6.30 Paragraph 195 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site

(either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

- 6.31 CS Policies SS6 and LD2 requires development proposals to conserve and enhance the biodiversity and geodiversity assets of Herefordshire by retaining and protecting sites of nature conservation and habitats and development that is likely to harm sites and species of European importance will not be permitted. Development that would be liable to harm Sites of Special Scientific Interest or 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.
- 6.32 In this particular instance, the application site lies within the Wye catchment of the River Wye Special Area of Conservation (SAC). The council's ecologist has been consulted on the application and assessed the development in relation to this and the general ecological value of the site.
- 6.33 An Habitats Regulation Assessment has been carried out to which the Council's Ecologist has been able to conclude no likely significant effects on the integrity of the SAC, subject to appropriate mitigation being secured via planning conditions recommended.
- 6.34 From supplied and available information, the Council's Ecologist considers that the construction of the replacement dwelling would not have any likely direct effects on local protected species although appropriate precautionary working methods are proposed in the submitted ecology and mitigation report. The applicant can be reminded of their and their contractors' legal obligation to wildlife protection at all time through the Wildlife & Countryside Act as a suitably worded informative. Habitat enhancements can also reasonably be secured by suitably worded conditions, in according with Policy LD2 of the CS.
- 6.35 This application is being progressed as a self-build/custom-build dwellinghouse under the Self-build and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. As such, the proposal would benefit under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant is in agreement with inclusion of a planning condition requiring delivery of the proposed replacement dwelling as self-build/custom-build with associated notification to the LPA. This does not take away however the requirement to delivery habitat enhancement on site, as has been requested by the Council's ecologist.

Drainage & Flood Risk

- 6.36 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) by applying a sequential test. Where development is necessary in such high flood risk areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.
- 6.37 Policy SD3 of the CS requires development proposals to include sustainable water management in order to reduce the risk of flooding. In relation to Policy SD4, development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network.
- 6.38 Surface water is to be sustainably managed on site with proposals for an attenuation tank with a limited discharge to the public combined sewer. A HydroBrake is proposed to limit the discharge to 2l/s; the proposed orifice diameter has been confirmed to be 62mm. The homeowner would be responsible for the maintenance accordingly. The surface water drainage system has been sized to accommodate a 1 in 100yr + 45% CC event with the proposed attenuation tank dimensions of

40 square metres. The surface water drainage system is all gravity fed. In terms of foul water, here is a public sewer within 30 metres of the proposed development site. Welsh Water have confirmed that the foul flows from the proposed development can be accommodated within the public combined sewer.

- 6.39 A review of the EA's Flood Map for Planning indicates that the site is located in Flood Zone 1. Review of the EA's Risk of Flooding from Surface Water map indicates that there is a low risk surface water flow route through the eastern area of the site, to the southeast of the existing dwelling. The flood depths within the curtilage of 68 Penn Grove are within a flood flow route although flood depth during this low-risk event are mapped as typically being below 0.3 metres. The surface water flow route across the site may also not be a true representation as public surface water sewers are present in the area which will convey surface water runoff. The proposed finished floor level of the dwelling is 70.88mAOD; this appears to be approx. 0.9 metres above existing surrounding ground levels which is notably raised in order to mitigate the mapped risk of surface water flooding.
- 6.40 Based on the reviewed documents, the Council's Land Drainage Engineer has raised no objections to the submitted foul and surface water drainage strategy, noting the lack of objection raised by Welsh Water. Provided the surface water and foul water drainage arrangements are constructed in line with the design and plans under this application, the application is viewed to accord with Policies SD3 and SD4 of the CS. This is subject also to ensuring a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3, though this can be dealt with as a suitably worded condition.

Highway safety

- 6.41 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios. Policy MT1 of the CS states that a development's traffic should not overwhelm the local highway network, nor lead to an increase in pressures for off-site parking.
- 6.42 Vehicular access serving the existing dwelling is currently provided via a crossover junction with Penn Grove Road. It is proposed that the existing vehicle access will be utilised as a shared access serving both the proposed replacement dwellinghouse and recently approved new dwellinghouse, within the overall curtilage. A shared private drive access serves the proposed replacement dwelling which additionally includes provision for two car parking spaces within the garage and associated parking area, together with appropriate vehicle manoeuvring space.
- 6.43 The Council's Area Engineer has been consulted and no objections or concerns have been raised in relation to highway safety matters. This would be subject to conditions to ensure that the parking and cycle facilities are provided, a position which your officer would concur with.
- 6.44 It is considered that the proposal will not have an adverse impact on highway safety and will provide adequate parking and cycle storage facilities for use in connection with the proposed replacement dwelling. Having also regard to the fact that there is clear opportunities to access nearby services and facilities by way of active travel modes, it is viewed that the application satisfies Policies SS4 and MT1 of the CS, which is consistent with Section 9 of the NPPF.

Other considerations

- 6.45 This application is progressed as a self-build and custom-build dwelling under the Self-build and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. It would be appropriate to afford weighting in terms of contributing to the requirement to deliver an appropriate number of self-build dwellings, where there is recognised to be a current shortfall of 33 plots (Self and Custom Build Authority Monitoring Report, August 2024)

- 6.46 The application is not considered to have a detrimental impact by way of noise on adjoining residents, given the urban context of this particular location. Your officer has nevertheless noted the concerns regarding the construction working hours of the replacement dwelling, however this will be short lived given the long term nature of the development and a condition is recommended to control working hours and a Construction Environmental Management Plan (CEMP) that outlines how a developer will minimise any negative environmental impacts of a specific construction project. A CEMP would also demonstrate that a construction project complies with any relevant environmental legislation.
- 6.47 Your officer does not consider it appropriate in this instance to remove householder permitted development rights fully. However, given the third party objections which have been received to date, it is proposed that permitted development rights pertaining to Class A (Enlargement, improvement or alteration), AA (enlargement by construction of additional storeys) B (additions etc. to the roof) and E (outbuildings) of Part 1; and Class A (enclosures) of Part 2 of Schedule 2 are removed if the application is to be approved.
- 6.48 Officers do recognise the negative effects that may often be associated with demolishing a building, particularly when there is likely to be embodied carbon within it. Nevertheless, new homes can be built sustainably using recycled and low-carbon materials and use construction methods that reduce environmental impacts; which are also easier and cheaper to heat and cool, and more energy efficient, with higher Energy Performance Certificate (EPC) ratings. There is also no policy in the development plan in this location which prevents consideration of a replacement dwelling, subject to technical considerations as discussed above.

Planning Balance and Conclusion

- 6.49 Notwithstanding that this application is for a replacement dwelling, the application relates to the provision of housing. The NPPF is clear under Footnote 8 that the statutory development plan policies which are most important for determining the application are 'out-of-date'. As set out under Paragraph 11, the nature of the proposal engages Paragraph 11d and that planning permission should be granted unless conflicting with 11di) or 11dii).
- 6.50 In considering 11di), the application of policies in this Framework that protect areas or assets of particular importance does not provide a strong reason for refusing the development proposed. The only asset of relevance to this particular application concerns the effects upon the River Wye Special Area of Conservation. Members will note that on the basis of the submission, the Council's Ecologist has been able to conclude beyond no reasonable doubt that there would be 'no likely significant effects' upon the integrity of this habitats site. Paragraph 11di is therefore not engaged.
- 6.51 Turning to 11dii), in having regard to the aforesaid appraisal, it is the view of your officer that the adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed against the policies of 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. In reaching this view, the application site is close to a city centre location. It is felt that the proposed replacement dwelling would uphold and promote an effective use of land and would provide a well-designed place, noting the numerous contemporary responses to new residential development in the locality.
- 6.52 The three pillars of sustainable development in the planning system are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.53 When considering the economic objective, the positive benefits would be the continued employment to the construction sector during the construction phase. This may offer construction jobs to people who live in the local area using local companies during construction for items such as fixtures and finishes including windows, doors and landscaping. It is recognised however that new residents can lead to a very modest increase in spending in the local economy which can help to boost wider economic activity, supporting local jobs and businesses, though the nature of the submission as a replacement dwelling would be considered neutral on this particular point.
- 6.54 Turning to the social objective, regeneration of housing in a local area can support social networks. People living in an area could reasonably upsize or downsize, and growing families can move into larger homes. New housing and regeneration projects can include new amenities which create opportunities for social interaction and recreation. Again, given the scheme is for a replacement dwelling, again officers could only attribute limited weight to this. The recognition that the proposed replacement dwelling is brought forward as a self-build/custom-build would also help diversify the housing market and increase consumer choice.
- 6.55 With regards to the environmental objective, officers do recognise the negative effects associated with demolishing a dwellinghouse, particularly when there is likely to be embodied carbon within it. Nevertheless, new homes can be built sustainably using recycled and low-carbon materials and use construction methods that reduce environmental impacts; easier and cheaper to heat and cool, and more energy efficient, with higher Energy Performance Certificate (EPC) ratings. The biodiversity enhancements which can be delivered through conditions would, in the view of officers, negate the identified adverse harm.
- 6.56 It is considered that the balance of these objectives weighs in favour of supporting the application. In the view of your officer, the proposed development, in having regard to the decision-making procedures outlined under paragraph 11d of the NPPF, planning permission should be granted.
- 6.57 As per Planning Practice Guidance, in addition to precise drafting, clear ordering of conditions on a decision notice will help ensure they are understood. It is good practice to list the conditions in the order that they need to be satisfied. A good structure is:
- the standard time limit condition for commencement of development
 - the details and drawings subject to which the planning permission is granted
 - any pre-commencement conditions
 - any pre-occupancy or other stage conditions
 - any conditions relating to post occupancy monitoring and management.
- 6.58 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (SI 2018 No. 566), any pre-commencement conditions will require the agreement by the

applicant C/O agent in writing. Agreement of pre-commencement conditions will take place following resolution by the committee, if members are minded to grant planning permission.

RECOMMENDATION

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

Standard conditions

1. C01 - Time limit for commencement (full permission)

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

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

2. Development in accordance with approved plans

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

**6551-10-A (Location and Block Plan);
6551-11-A (Proposed Site Plan);
6551-12-A (Proposed Dwelling – Floor Plans); and
6551-13-A (Proposed Dwelling – Elevations)**

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

Pre-Commencement Conditions

3. Notwithstanding the details which have been provided, no works including any site clearance or demolition shall take place until the tree report protection plan (Mackley Davies Associates Ltd – April 2024) is updated to reflect the amended site layout which shall be submitted and approved in writing by the Local Planning Authority. The tree and hedgerow protection shall thereafter be carried out in accordance with these approved details and remain implemented for the duration of the construction phase of the approved development.

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

4. Construction Environmental Management Plan

Before any works; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all

work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

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

5. Landscape Scheme

Notwithstanding the details provided to date, no works shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012;
- b) Trees and hedgerow to be removed;
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details; and
- d) All proposed hardstanding and boundary treatment.

All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Hard landscaping and Boundary Treatments (d) shall be completed prior to the occupation of the dwelling.

Reason: To safeguard and enhance the character and amenity of the area, and to implement the 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.

Relevant commencement or prior to first occupation conditions

6. Restriction on working hours during construction

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

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

7. Samples of external materials

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

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

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

8. Secure covered cycle parking provision

Prior to the first occupation of the replacement dwelling, details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the replacement dwelling shall be submitted to the Local Planning Authority for written approval.

The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the replacement dwelling 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.

9. Obscure glazing to windows

Prior to the first occupation of the replacement dwellinghouse, and at all times thereafter, the first floor bathroom windows at the north elevation shall be glazed with obscure glass only and shall be non-opening.

The obscured glazing shall be retained in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Drainage in accordance with approved plans

The drainage arrangements for replacement dwellinghouse shall be completed prior to first occupation in accordance with the Surface Water Management and Foul Drainage Strategy for 68 Penn Grove Road, Herefordshire, HR1 1BT Rev. 6 Contract Ref: FD150A dated 07/02/2025.

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

11. Efficient use of water

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

Reason: To ensure water efficiency requirements are compliant with Policy SD3 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.

12. Self Build

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

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

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

Post occupancy monitoring and management/compliance conditions

13. Surface Water

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2l/s.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SS6, LD2, SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Foul Water

Unless otherwise agreed in writing by the Local Planning Authority all foul water flows created by the approved development shall be managed through connection to the local DCWW mains sewer system; and all surface water managed by onsite infiltration-Sustainable Drainage Systems.

Reason: In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

15. Lighting

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

maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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

16. No conversion of garage to habitable accommodation

The garage and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Retention of existing trees

No retained tree or hedgerow, shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of first occupation of the replacement dwellinghouse 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.

18. Removal of householder permitted development rights (Class A, AA, B and E of Part 1; Class A of Part 2 Schedule 2 only)

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, AA, B 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.

INFORMATIVES:

1. IP2 – Application approved following revisions

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

2. INS – Non-standard informative

The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist 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, 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. The applicant should liaise with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

3. INS – Non-standard informative

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

4. INS – Non-standard informative

This permission does not authorise any works to trees included in the Tree Preservation Order. Any such work shall be the subject of an application for consent to the Local Planning Authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

5. I05 – No drainage to discharge to highway

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

6. I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is

drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

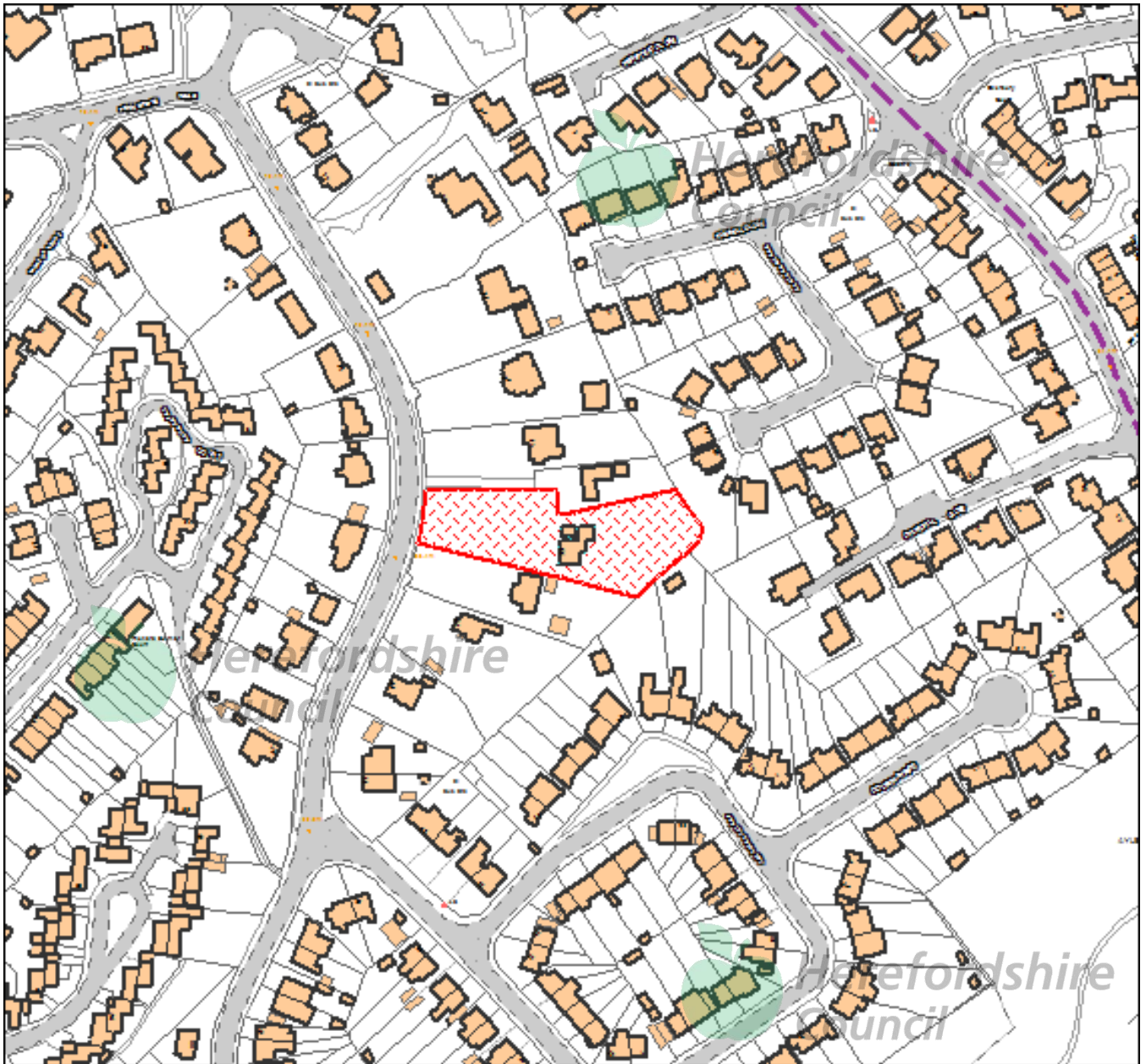
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 241536

SITE ADDRESS : THE CHOUGHS, 68 PENN GROVE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1BT

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