

**Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 1 May 2024 at 10.00 am**

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

**Councillors:** Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Dan Powell, Stef Simmons, John Stone and Richard Thomas

**In attendance:** Councillor Dan Hurcomb

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

**72. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Peter Hamblin and Diana Toynbee.

**73. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes.

**74. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**75. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 13 March be approved.

**76. 233225 - 182 LEDBURY ROAD, HEREFORD, HR1 1RH**

*Councillor Elizabeth Foxton left the committee to act as the local ward member for the application below.*

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

In accordance with the criteria for public speaking Mr Milln spoke on behalf of Hereford City Council and Mr Tompkins, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the application site was located in a densely populated area that experienced significant traffic congestion. The proposed houses would be situated opposite three retail units with a high level of pedestrians and traffic. Accident data showed that there had been three accidents involving cars on the local area recently. The application was contrary to core policy MT1 due to the impact on highway safety posed by the proposed driveways emerging onto a busy pedestrian and traffic area. Due to the adverse impact posed by the application on the safety of local residents the proposed developments were

contrary to core strategy policies SS4, OS1, OS2, OS3 and SC1. The site had been the subject of two previous applications which had been refused and which had been upheld on appeal. The proposed houses on the site represented overcrowding and overdevelopment. The proposed properties would be in very close proximity to each other and existing, neighbouring houses. There was concern that the distance between properties could have an adverse impact upon access for the emergency services. Due to the limited space on the application site cars could not manoeuvre safely, impacting adversely upon highway safety, and demonstrating that the site was not big enough for the proposed houses.

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

There was support for the officer recommendation of approval among some members of the committee. The proposed development provided two off street parking places and was in a busy urban area; the addition of two households would not pose a significant impact on local infrastructure. The scale and density of development on the site was accepted as it was consistent with the nature of the local area.

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

- The density of housing on the application site which represented over development of a restricted site. The proposed development was in very close proximity to neighbouring properties which posed an unacceptable impact upon residential. The constrained nature of the application site and the density of development would result in properties being overlooked and an absence of outdoor space which would result in adverse living conditions for residents in the new properties and the existing, neighbouring houses. The proposals was contrary to Policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework;
- Technical problems existed with the application including the location of the proposed properties in proximity to the main sewer;
- The application could not achieve the required visibility splays from the driveways which posed an adverse effect upon highway safety. Pedestrians and children using the pavement in front of the proposed development would be at risk from traffic emerging from the site;

The Highways Advisor provided a point of clarification to confirm that accident data in the vicinity of the application site demonstrated that there had been three slight accidents in the previous three years and there were no obvious trends in the reported incidents.

The Development Management Service Manager provided a point of clarification to confirm that during the planning inspectorate's consideration of the previous appeals concerning the site the refusals were not upheld on the basis of highways matters.

The local ward member was given the opportunity to closer the debate.

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

Councillor Polly Andrews proposed and Councillor Richard Thomas seconded the refusal of the application due to the unacceptable impact on residential amenity and adverse living conditions posed by the application, contrary to core strategy policy SD1, posed by: the density of development and the overcrowding of housing on the site; the limited outdoor space in the curtilage of the application site; and the proximity of

proposed buildings to existing, neighbouring properties. The motion was put to the vote and was carried by a simple majority.

**RESOLVED: That planning permission is refused due to the unacceptable impact on residential amenity and the adverse living conditions posed by the application, contrary to core strategy policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework posed by: the density of development and the overcrowding of housing on the site; the limited outdoor space in the curtilage of the application site; and the proximity of proposed buildings to existing, neighbouring properties.**

*Councillor Elizabeth Foxton resumed her seat on the committee.*

*Councillor Polly Andrews left the committee to act as the local ward member for the application below.*

**77. 233009 - HEREFORD RAILWAY STATION, STATION APPROACH, HEREFORD, HEREFORDSHIRE, HR1 1BB**

*Councillor Dan Powell left the meeting at 10:55 a.m.*

The Principal Planning Officer provided a presentation on the application.

In accordance with the criteria for public speaking, Ms Davis spoke on behalf of Hereford City Council, Mr Frecknall, local resident, spoke in objection to the application and Mr Butterworth, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the principle of a transport hub was supported but the current proposal had a number of shortcomings. The proposed transport hub would not provide a central location for all city buses but only services from the county bus station. The four bays at the hub for buses would not be adequate for the number of services using the transport hub or the National Express coaches. The layby for the Zipper bus service on the City Link road was not a good solution to provide a bus stop for the service. The access to the layover area would be impeded by parking on the junction by the Hereford Medical Group. It was queried how motorists would be prevented from accessing the taxi drop off area. The lack of covered bicycle racks was a concern. There was a concern that the design of the building would form a wind tunnel. It was acknowledged that the proposal was an improvement on the current frontage to the station but it was a missed opportunity to construct a comprehensive transport hub to co-ordinate services across the City.

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

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

- The design was poor and a redesign was required. The proposals of the civic society should be incorporated into the design;
- Four bus bays at the hub were not sufficient;
- There were highway safety concerns relating to reversing buses;
- The proposed drop off/pick up point was too far from the railway station.

There was support for the case officer's recommendations among other members of the committee but clarification was sought on the following issues:

- A possible change to conditions to ensure that that dedicated drop off/pick spaces were allocated in the NCP car park, as a minimum 11 drop off/pick up places and 11 disabled placed. The car park was often full which would prevent the drop off/pick up arrangements as proposed in the application;
- A possible change to conditions to include a requirement to plant screening around the perimeter of the layover area to reduce the impact of parked buses on the landscape;
- The natural desire line for pedestrians from the student accommodation across the taxi rank to the station posed highway safety concerns;
- The surface treatment and dressing of the local highway network should demonstrate where there was priority for pedestrians and cyclists to counter the predominance of motor vehicles on roads around the station.

Points of clarification, in response to the issues raised above, were provided by the Development Management Service Manager and the Principal Planning Officer:

- A condition could be attached to the permission to secure a revised scheme for drop off/pick up arrangements;
- A condition could be attached to the permission to require planting around the perimeter of the layover area to provide screening;
- The design team for the proposal would be asked to consider changes to address the desire line from the student accommodation to the train station;
- Surface treatment and dressing to indicate priority and right of way for pedestrians and cyclists would be considered during the section 278 process.

Councillor Clare Davies proposed and Councillor Bruce Baker seconded the approval of the application subject to the change to conditions as outlined below:

- To secure a revised scheme for drop off/pick up arrangements including as a minimum 11 drop off/pick up spaces and 11 disabled spaces; and
- To secure a scheme to require the planting of screening around the perimeter of the layover area.

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

**RESOLVED: That planning permission be granted subject to: the following conditions; a condition for a scheme for drop off/pick up arrangements; a condition for a scheme for the planting of screening aournd the perimeter of the layover area; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **Time Limit for Commencement – Three Years**
2. **Development in accordance with approved plans**

**The development hereby approved shall be carried out in accordance with the following approved plans and documents;**

Document / Plan Title	Document / Plan Reference
1APP Form	PP-12208121
Planning Statement	964-ARP-GEN-ZZ-RP-Z-000003, Issue 6 October 2023
Design and Access Statement	Issue 02

Transport Assessment	964-ARP-HGN-ZZ-RP-H-000001, Rev: P04
Heritage and Townscape Assessment	September 2023
Equality Impact Assessment	964-ARP-GEN-ZZ-RP-Z-000002, Rev: P02
Drainage Strategy	964-ARP-HDG-ZZ-RP-C-000001, Rev: P04
Flood Risk Assessment	964-ARP-HGN-ZZ-RP-C-000001, Rev: P03
Preliminary Ecological Appraisal	964-ARP-EAC-ZZ-RP-OE-000001, Rev: P01
Ecological Impact Assessment	964-ARP-EAC-ZZ-RP-OE-000002
Biodiversity Net Gain Assessment	964-ARP-EBD-ZZ-RP-OE-000001
Habitats Regulations Assessment	964-ARP-EGN-ZZ-RP-OE-000001
Bat Emergence Survey Report (Appendix C of EclA)	964-ARP-EGN-ZZ-RP-OE-000002
Otter Survey Results Report (V01, Appendix D of EclA)	V01
Reptile Survey Report (Appendix E of EclA)	Issue 12/10/2023
Bird Survey Report (Appendix F of EclA)	V01
Applicant Response Letter	Dated 19 March 2024
Drainage Strategy Addendum	964-ARP-HDG-ZZ-RP-C-000002, Rev: P03
Response to Active Travel England Comments	964-ARP-HGN-ZZ-TN-H-000001 (dated 19/03/2024)
<b>Architecture</b>	
Location Plan Existing	964-WWP-BGN-00-DR-A-000001
Existing Ownership Plan	964-WWP-BGN-00-DR-A-000002
Proposed Sitewide Plan	964-WWP-BGN-00-DR-A-001000, Rev: P02
Proposed Movement Strategy	964-WWP-BGN-00-DR-A-001050, Rev: P02
Existing Site Plan and Section	964-WWP-BGN-XX-DR-A-001001
Proposed Site Plan and Section	964-WWP-BGN-XX-DR-A-001002, Rev: P02
Proposed Bus Shelter Plan	964-WWP-BGN-00-DR-A-001003, Rev: P02
Proposed Bus Shelter Roof Plan	964-WWP-BGN-RF-DR-A-001004
Proposed Bus Shelter Elevation 01 & 02	964-WWP-BGN-XX-DR-A-002001, Rev: P02
Proposed Bus Shelter Elevation 03 & 04	964-WWP-BGN-XX-DR-A-002002, Rev: P02
Bus Shelter Visual 1 of 4	964-WWP-BGN-00-DR-A-009001
Bus Shelter Visual 2 of 4	964-WWP-BGN-00-DR-A-009002
Bus Shelter Visual 3 of 4	964-WWP-BGN-00-DR-A-009003
Bus Shelter Visual 4 of 4	964-WWP-BGN-00-DR-A-009004
Proposed Landscape Planting and Paving	964-WWP-BGN-00-DR-L-003000, Rev: P02

<b>Proposed Landscape Sections</b>	<b>964-WWP-BGN-XX-DR-L-003001, Rev: P02</b>
<b>Proposed Landscape Furniture and Lighting</b>	<b>964-WWP-BGN-00-DR-L-003002, Rev: P02</b>
<b>Civils</b>	
<b>Proposed Drainage Bus Interchange &amp; Layover</b>	<b>964-ARP-HDG-ZZ-DR-C-000001, Rev: P06</b>
<b>Proposed Manhole Schedules</b>	<b>964-ARP-HDG-ZZ-DR-C-000002, Rev: P04</b>
<b>Drainage Details Sheet 1</b>	<b>964-ARP-HDG-ZZ-DR-C-000003, Rev: P03</b>
<b>Drainage Details Sheet 2</b>	<b>964-ARP-HDG-ZZ-DR-C-000004, Rev: P03</b>
<b>Drainage Details Sheet 3</b>	<b>964-ARP-HDG-ZZ-DR-C-000005, Rev: P03</b>
<b>General Notes</b>	<b>964-ARP-HGN-ZZ-DR-C-000001, Rev: P03</b>
<b>General Arrangement Bus Interchange &amp; Layover</b>	<b>964-ARP-HGN-ZZ-DR-C-000002, Rev: P05</b>
<b>General Arrangement Car Park</b>	<b>964-ARP-HGN-ZZ-DR-C-000003, Rev: P03</b>
<b>Finished Levels and Kerbing Bus Interchange &amp; Layover</b>	<b>964-ARP-HGN-ZZ-DR-C-000004, Rev: P04</b>
<b>Formation Levels Bus Interchange &amp; Layover</b>	<b>964-ARP-HGN-ZZ-DR-C-000005, Rev: P05</b>
<b>Coach Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000006, Rev: P04</b>
<b>Water Tanker Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000007, Rev: P04</b>
<b>Refuse Vehicle Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000008, Rev: P04</b>
<b>Articulated Vehicle Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000009, Rev: P04</b>
<b>Large Car and Taxi Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000010, Rev: P04</b>
<b>Fire Tender Swept Path Analysis</b>	<b>964-ARP-HGN-ZZ-DR-C-000011, Rev: P04</b>
<b>Construction Finishes Bus Interchange &amp; Layover</b>	<b>964-ARP-HKF-ZZ-DR-C-000001, Rev: P06</b>
<b>Construction Finishes Build Ups</b>	<b>964-ARP-HKF-ZZ-DR-C-000002, Rev: P03</b>
<b>Construction Details Sheet 1</b>	<b>964-ARP-HKF-ZZ-DR-C-000003, Rev: P03</b>
<b>Construction Details Sheet 2</b>	<b>964-ARP-HKF-ZZ-DR-C-000004, Rev: P03</b>
<b>Site Clearance Bus Interchange &amp; Layover</b>	<b>964-ARP-HSC-ZZ-DR-C-000001, Rev: P03</b>
<b>Existing Utilities</b>	<b>964-ARP-UTL-ZZ-DR-UT-000001, Rev: P03</b>
<b>Existing Utilities Car Park</b>	<b>964-ARP-UTL-ZZ-DR-UT-000002, Rev: P03</b>
<b>Proposed Utilities Bus Interchange &amp; Layover</b>	<b>964-ARP-UTL-ZZ-DR-UT-000003, Rev: P05</b>
<b>Existing Site Layout &amp; Topography Bus Interchange &amp; Layover</b>	<b>964-ARP-VTO-ZZ-DR-Y-000001, Rev: P03</b>
<b>Existing Site Layout Topography Car Park</b>	<b>964-ARP-VTO-ZZ-DR-Y-000002, Rev: P04</b>

**Reason: To ensure adherence to the approved plans in the interests of securing a satisfactory form of development which complies with policies MT1, HD2, HD3, SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework**

## **Pre-Commencement Conditions**

### **3. Archaeology Survey and Recording**

**Prior to the commencement of the development, the developer shall submit details of a programme of archaeological survey and recording to the Local Planning Authority for written approval. The programme shall be designed to document any below ground deposits that may be encountered and affected by the works and shall include a written scheme of investigation which has been prepared in accordance with a brief prepared by the County Archaeology Service. The scheme of survey and recordings shall subsequently be implanted in accordance with the approved details.**

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

### **4. Contamination Risk Assessment**

**No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- a) The Desk Study Report and risk assessment prepared by Arup (November 2022, Job No:287750, file ref:4-50) confirmed the possibility of a significant pollutant linkage(s) and as such a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

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

### **5 Construction Environmental Management Plan (CEMP)**

**No development and/or site preparation works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, as a minimum, a detailed Ecological Working Method Statement and consideration of all potential environmental effects of construction processes. This shall include specific consideration of the potential impacts associated with the installation of headwalls and associated drainage works within or adjacent to the Widemarsh Brook, including risk avoidance and mitigation measures to safeguard the water quality and biosecurity of the watercourse. The approved CEMP shall be**

implemented in full for the duration of all construction works at the site, unless subject to any variation which has first been approved in writing by the Local Planning Authority.

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

## **6 Construction Management Plan**

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

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

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

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

## **Conditions to be Discharged**

### **7 Detailed Landscaping Scheme**

With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) A drawing detailing hard surfacing materials
- b) Boundary treatments and means of enclosure
- c) Vehicle /Cycle /Pedestrian access and circulation areas.
- d) Vehicle parking layouts
- e) Lighting and CCTV
- f) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- g) A plan and details detailing water attenuation/ SUDS schemes.
- h) An implementation programme – setting out phasing of work where appropriate.

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

### **8 Ground Conditions for Planting**

Prior to any planting being undertaken in relation to the approved landscape



scheme, a strategy for ensuring that all new trees and shrubs are provided with suitable ground and soil conditions to support successful establishment and growth shall be submitted to an approved in writing by the Local Planning Authority. The planting shall subsequently be carried out in accordance with the approved details.

**Reason:** In the context of the known presence of made ground and soil contamination, it is necessary to ensure that suitable ground conditions are provided to support the successful establishment and longevity of the landscaping scheme in order to secure compliance with policies LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

## **9 Landscape Management and Maintenance**

Before the development is first brought into use, a schedule of landscape management and maintenance for a minimum period of 10 shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

## **10 Details of Covered Cycle Storage**

Prior to their installation on site, details of the proposed cycle storage shelters (as indicated on approved plan 964-WWP-BGN-AA-DR-A-001002 REV P02 Proposed Site Plan and Section) shall be submitted to the Local Planning Authority for written approval. The covered cycle storage shall subsequently be provided in accordance with the approved details prior to the development being brought into use and thereafter those facilities shall be maintained in perpetuity, unless any variation is agreed in writing with the Local Planning Authority.

**Reason:** To ensure that adequate covered cycle parking is provided to support sustainable transport choices and to ensure that this is provided to a design which is conducive with respecting the setting of the Grade II listed Barr's Court Railway Station and the character of the wider area, in order to secure compliance with policies MT1, SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework and Section 66 of the Town and Country Planning Act 1990

## **11 Bus Shelter Material Finish and Colour**

Prior to the installation of the relevant materials of site, details of the proposed external materials and colour finish for the bus shelter structure (as shown on approved plans 964-WWP-BGN-XX-DR-A-002001 REV P02 and 964-WWP-BGN-XX-DR-A-002002 REV P02) shall be submitted to the Local Planning Authority for approval. The works shall not be carried out until written approval has been given and works shall subsequently be carried out in accordance with the approved details.

**Reason:** To ensure the development is carried out in accordance with details which are conducive with upholding the character of the area and the setting of the station building, in accordance with policies SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework

and Section 66 of the Town and Country Planning Act 1990.

## **12 Travel Plan**

Prior to the first of the development hereby approved, a Travel Plan which contains measures to promote uptake of sustainable transport modes amongst users of the transport interchange shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first use of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

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

## **13 Ecological Enhancement Measures**

Prior to the first use of the development hereby approved, a specification and annotated location plan demonstrating a range of species net gain enhancement including appropriately located habitat boxes for bat and bird species must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full within 3 months of the development being brought into use and thereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

## **14 Vehicular access construction**

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

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

## **15 Highways Improvement/off site works**

Development shall not begin in relation to any of the proposed highways works until full details of these have been submitted to and approved by the local planning authority in writing, following the completion of the technical approval process by the Local Highway Authority. The development shall not be brought into use until the scheme has been constructed in accordance with the approved details.

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

#### **16 Cycle Lane Specification**

**Prior to the implementation of the relevant works, details of the surfacing specification for the shared cycleway running along the site frontage with the A465 City Link Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall allow for a 3.5m wide machine laid tarmac unsegregated route, consistent with the existing route and delineated at the northern edge with an edging kerb. The development shall not be brought into use until the scheme has been constructed in accordance with the approved details.**

**Reason: To ensure the safe and efficient function of the cycleway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.**

#### **17 On site roads - submission of details**

**Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing by the local planning authority:**

- **Surface finishes**
- **Drainage details**
- **Future maintenance arrangements**

**The development shall be carried out and thereafter maintained in accordance with the approved details**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **Compliance and Monitoring Conditions**

#### **18 Provision of Visibility Splays**

**Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles, shall be provided to all accesses in accordance with the details shown on approved plan 964-ARP-HGN-ZZ-DR-C-000002 Rev P05. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility splays.**

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

#### **19 Implementation of Approved Drainage Strategy**

**Prior to the occupation of the site the foul and surface water drainage system shall be completed in accordance with the approved details as per drawing reference DR-C-000001 P06. Thereafter no further surface water and/or land**

**drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

## **20 Implementation of Contaminated Land Measures**

**The Remediation Scheme, as approved pursuant to condition no. XXX above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

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

## **21 Unexpected Contamination**

**If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

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

## **22 Implementation of Landscaping**

**The hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition xx attached to this permission before the development is first brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.**

**Reason: To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

### **INFORMATIVES:**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant**

planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 With regards to the contaminated land assessment required pursuant to condition, the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2023. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

### 3 Welsh Water 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](http://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.

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

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

- 6 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 7 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**
- 8 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.**
- 9 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.**
- 10 The brightness of the floodlit surface, or illuminated sign face, shall not exceed the values stipulated in the Institution of Lighting Engineers Technical Report No. 5: 1991 "The Brightness of Illuminated Advertisements".**
- 11 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.**
- 12 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
- 13 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the**

course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

*There was an adjournment at 11:48 a.m.; the meeting reconvened at 12:02 p.m.*

*Councillor Polly Andrews resumed her seat on the committee.*

**78. 204317 - LAND AT BICTON HOUSE, BICTON, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PR**

The Development Manager North Team provided a presentation on the application.

In accordance with the criteria for public speaking a statement was read on behalf of the applicant Mr Godding in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. He explained that the application was supported by the local parish council and local residents. As the local member he was content also to add support to the application.

The committee debated the application. There was unanimity in support of the case officer's recommendation to approve the application.

The local ward member had the opportunity to close the debate.

Councillor Bruce Baker proposed and Councillor John Stone seconded the approval of the application in accordance with the case officer's recommendation. The proposal was put to the vote and was carried unanimously.

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

1. **C01 Time limit for commencement (full permission)**
2. **C13 Samples of external materials**
3. **C65 Removal of permitted development rights**
4. **The dwelling hereby approved shall not be occupied until the foul and surface water management arrangements have been implemented in accordance with the approved scheme as detailed in supplied information. The approved arrangements shall thereafter be maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4**

5. **The dwelling hereby approved shall not be occupied until the foul water connection between existing dwelling “Bicton House (HR6 9PR)” and the existing septic tank has been removed and replaced with connection to a new package treatment plant (Otto Graf One2Clean) discharging to a drainage field, as detailed in supplied drainage report by H+H Drainage dated 25th August 2023.**

**Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework**

6. **Unless otherwise agree in writing by the local authority the legally recorded owner of “Bicton House (HR6 9PR)” shall be responsible for management and maintenance of all shared parts of the installed foul water system for the lifetime of all developments connected to it; including ensuring foul water system is operating correctly at all times.**

**Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework**

7. **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**

8. **Prior to first use of the dwelling approved by this planning permission, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control (excepting Ash Trees) of a minimum total of TWO Bat roosting features and TWO bird nesting boxes (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.**

**Reason: To ensure Biodiversity (species) 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.

9. CAB Visibility splays
10. CAE Vehicular access construction
11. The dwelling hereby approved shall not be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the Local Planning Authority. The said agreement shall secure the provision of affordable housing in accordance with the approved scheme and shall include:
  - i. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable home; and,
  - ii. the occupancy criteria to be used for determining the identity of occupiers of the affordable home and the means by which such occupancy criteria shall be enforced.

The affordable dwelling shall be retained in accordance with the approved scheme.

Reason: In order to provide ensure that the dwellings are secured and maintained as affordable housing for having regard to the requirements of policy SS2, H2 and RA3 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

#### **INFORMATIVES**

##### **1. 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. 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 all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across

**the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

**79. LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY**

The committee considered a report by the Principal Licensing Officer to adopt the statement of licensing policy in respect of the licensing of sex establishments. The report was introduced by the Principal Licensing Officer.

The committee debated the report.

Councillor Polly Andrews proposed and Councillor Bruce Baker seconded the recommendation in the report to adopt the statement of licensing policy as contained in appendix 1. The motion was put to the vote and was carried unanimously.

**RESOLVED: That the policy as presented be adopted (appendix 1)**

The meeting ended at 12.21 pm

**Chairperson**

**233225 - THE ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS AT 182 LEDBURY ROAD, HEREFORD, HR1 1RH**

**For: Mr & Mrs Williams per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL**

**ADDITIONAL REPRESENTATIONS**

3 letters of support have been received with main points raised including:

- County needs bungalow accommodation
- Ideal location for housing
- Present opportunity to have affordable housing in easy walking distance on Hereford

**OFFICER COMMENTS**

Attention is draw to the conditions of which have been miss-numbered the detail under condition 2 should be a separate condition as:

'No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

With condition 2 detailed as:

'Development in accordance with approved plans and materials

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 1415-10 Rev B, 1415-11 & 1415-21) and the schedule of materials indicated thereon.

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

It is also noted two additional conditions are recommended:

#### 'Details of Boundary treatments

No works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before (the use hereby permitted is commenced) (before the building(s) is/are occupied (in accordance with a timetable to be agreed in writing with the local planning authority)). Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.'

Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of each dwelling for the parking and turning of 1 car in accordance with the 2006 Herefordshire Highways Design Guide. This shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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