

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 29 July 2026 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Bruce Baker, Simeon Cole, Dave Davies, Matthew Engel,
Catherine Gennard, Peter Hamblin, Stef Simmons, Louis Stark,
Richard Thomas and Mark Woodall

In attendance: Councillor Clare Davies as the Local Ward Member
Mr Page representing Bromyard and Winslow Town Council.

Officers: Senior Solicitor Planning and Highways and Development Manager Majors
Team

6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Polly Andrews, Councillor Jacqui Carwardine,
Councillor John Stone and Councillor Charlie Taylor.

7. NAMED SUBSTITUTES (IF ANY)

Councillor Louis Stark acted as substitute for Councillor Polly Andrews

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES

RESOLVED: That the minutes of the meeting held on 3 June 2026 be approved.

10. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

The principal planning officer provided a presentation on the application.

In accordance with the criteria for public speaking Mr Page spoke on behalf of Bromyard
and Winslow Town Council.

In accordance with the Council's constitution the local ward member spoke on the
application. She addressed the committee on behalf of residents and Bromyard Town
Council, stating that many were deeply disappointed that the development proposal had
reached this stage, as it had been viewed as a significant opportunity to support
investment, employment, increased footfall and wider economic regeneration in the
market town. It was acknowledged that the planning authority had made repeated efforts
to engage with the current developer but had been met with a lack of communication,
causing frustration given the time and effort invested in the scheme.

Residents were encouraged by reports of potential interest from other developers and therefore supported the Town Council's request for a deferral rather than a final determination of the application. It was emphasised that the key concern was preserving the opportunity for future investment and regeneration through a committed developer willing to engage with both the planning authority and the local community.

The committee debated the application, and the following principal points were raised:

1. The potential loss of an important development opportunity for the town.
2. Concern and disappointment at the lack of engagement from the applicant with the authority was noted and that the authority had reached the point where the application needed to be determined.
3. The development was only considered acceptable due to the mitigation measures and obligations secured through the Section 106 agreement, including affordable housing, transport improvements, pedestrian connections, education and sports provision, and nutrient neutrality requirements and that the development could not proceed without the necessary agreement being secured.
4. It was queried why the applicant had not withdrawn the application and clarification sought on whether continuing to leave the application undetermined would affect the availability of phosphate mitigation credits.

The development manager provided the following clarification:

- I. Whilst it was encouraging that there may be interest from other parties in developing the site, the application could not be transferred to another applicant or agent and must be determined on its own merits. Any future involvement by alternative developers would need to occur through a separate process, including the submission of a new planning application.
- II. Extensive efforts had been made to engage with the applicant and their appointed planning agent, including requests for the application to be withdrawn, but no confirmation or meaningful response had been received.
- III. The application had been allocated a significant number of phosphate mitigation credits from the Tarrington Wetland scheme, but no mitigation had been secured through a completed agreement. Should the application be refused, the allocated credits would be released and returned to the council's allocation pool for use by other eligible developments in accordance with the council's allocation policy. It was emphasised that the future use of those credits was not a material planning consideration.

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

Councillor Stef Simmons proposed and councillor Catherine Gennard seconded a motion that the application be refused with the case officer's recommendations. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That officers named in the Scheme of Delegation to Officers be authorised to refuse outline planning permission for the reasons set out below.

1. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, the proposed development fails to secure affordable housing, education contributions, transport contributions, healthcare contributions, sports and recreational provision, public open space management arrangements, land transfer for school expansion and other planning obligations necessary to make the development acceptable. The proposal is

therefore contrary to Policies H1, OS1, OS2, BY2 and ID1 of the Herefordshire Local Plan – Core Strategy, the Council's Planning Obligations Supplementary Planning Document and the National Planning Policy Framework.

2. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, securing the phosphate mitigation identified as necessary through the Council's Habitats Regulations Assessment, the proposal fails to demonstrate it would be 'nutrient neutral', and the Local Planning Authority cannot conclude that the development would not adversely affect the integrity of the River Wye Special Area of Conservation. The proposal is therefore contrary to Policy SD4 of the Herefordshire Local Plan – Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

INFORMATIVES:

1. In accordance with the requirements of the National Planning Policy Framework, Herefordshire Council has worked proactively and positively with the applicant throughout the consideration of this application. The Planning and Regulatory Committee previously resolved to grant planning permission subject to the completion of a Section 106 Agreement and subsequently agreed to extend the period for completion of that agreement. Despite continued engagement and negotiation between the Local Planning Authority and the applicant over a prolonged period, the Section 106 Agreement has not been completed and the planning obligations and phosphate mitigation necessary to make the development acceptable in planning terms have therefore not been secured. Subsequently, in these circumstances the Local Planning Authority has been unable to issue planning permission.

The meeting ended at 10.28 am

Chairperson

