

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 23 October 2024 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Jacqui Carwardine, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

In attendance: Councillor Roger Phillips

Officers: Legal Adviser, Highways Adviser*, and Development Manager Hereford and South Team

* denotes virtual attendance

29. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Clare Davies.

30. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. MINUTES

The committee was informed of a necessary correction to the minutes of the previous meeting. Reference to Neighbourhood development plan policy LGPC 12 was incorrect and should be replaced by reference to LGPC 10.

RESOLVED: That, subject to the correction outlined above, the minutes of the meeting held on 4 September 2024 be approved.

33. 192515 - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL (Pages 9 - 10)

The Principal Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr. Edwards spoke on behalf of Titley Group Parish Council, Mr. Jones, local resident spoke in objection to the application and Mr Tompkins, the applicant's agent spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that although the principle for development had been established

on the application site, from an earlier permission, the committee had expressed concerns regarding the design and the height of the proposed houses. Following the deferral of the application at a previous meeting of the planning committee the applicant had made some changes to the design of the houses but there had been no change to the size, height or footprint of the properties proposed on the site. These issues had been of concern to the committee at the previous meeting and had led to the deferral of the application. The settlement of Titley was a village but could be classed as a hamlet and had experienced minimal development since the Second World War. The application represented development that was an exception to the gradual construction of dwellings and a substantial increase in housing locally. Since the meeting of the committee, at which the application had been deferred, the Titley Group Neighbourhood Development Plan (NDP) had been made and the committee now had a number of relevant planning policies on which to refuse the application. Core strategy policies LD1, LD4 were cited as grounds for the refusal of the application together with NDP policies TG1, TG2, TG13, TG15 and TG 16. The committee had provided the applicant with the opportunity to amend the application to ensure that it respected the landscape and to modify the design of the houses in line with the reasons for deferral from the previous committee meeting. The changes undertaken to the application were seen as a missed opportunity as the houses continued to be excessively large and dominant for the site on which they were positioned.

The committee debated the application.

There was concern on the part of some members that the reasons for the deferral of the application at the previous committee meeting had not been taken into account in the modifications that had been made to the design of the houses.

Councillor Jacqui Carwardine left the meeting at 10:40 a.m.

Councillor Polly Andrews proposed and Councillor Richard Thomas seconded a motion that the application be deferred to offer the applicant an opportunity to modify the scale and height of the houses in the application. Councillor Richard Thomas subsequently withdrew as the seconder to the motion; the motion was therefore not formally moved.

There was division among the members of the committee. It was the contention of some members that the scale and size of the buildings remained excessive. Other members of the committee cited examples in the locality of substantial and large properties; the proposed houses in the application would not be out of keeping with such existing buildings.

The local ward member was given the opportunity to close the debate. In summary, he reiterated the grounds on which the committee could refuse the application.

Councillor Bruce Baker proposed and Councillor Peter Hamblin seconded a motion that the application be approved in accordance with the case officers recommendation.

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

RESOLVED:

That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation.

Standard Conditions

1. The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:

- Proposed Site Layout 7218-1-20-Rev C
- Proposed Site Sectional Plan 7218-1-26-Rev C
- Proposed Plot 1 - 7218-1-21-Rev B
- Proposed Plot 2 - 7218-1-22 Rev A
- Proposed Plot 3 - 7218-1-23-Rev A
- Proposed Plot 4 - 7218-1-24- Rev A
- Proposed Plot 5 - 7218-1-25-Rev A
- Proposed Garages 7218-1-29
- Proposed Landscaping Proposals 24/500/02 B
- Estate Railing Fencing Example 31/7/2024
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Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA2, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG13, TG14, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions to be Discharged

2. Details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being undertaken on site:

- a) Details and/or samples of external timber cladding
- b) Details and/or samples of roofing materials
- c) Details of all windows, doors and rooflights including
 - Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings
 - Method & type of glazing.
 - Colour Scheme/Surface Finish
- d) Details and/or samples of rainwater goods

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. No works in relation to the stone facing of the dwellings hereby approved shall be commenced until a sample panel of the stonework has been provided on site and this has been approved in writing by the Local Planning Authority. The sample panel shall be a minimum of 1m x 1m in size and shall show the stone type; sizes, face-bond; pointing mortar mix, joint thickness and finish profile. The works shall subsequently be

carried out in accordance with the approved details and the sample panel shall be retained on site until the relevant works have been completed.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. Prior to the first occupation of any dwelling to which this permission relates, the vehicular parking areas shown on the approved plans shall be properly consolidated, surfaced and drained in accordance a specification which has first been submitted to an approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

5. 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, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any dwelling hereby approved, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The scheme of management and maintenance shall subsequently be carried out in accordance with this approved schedule. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan 19/500/02A.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance Conditions

7. The following scheme of energy sustainability measures shall be implemented in accordance with the approved details prior to the first occupation of any dwelling hereby approved:
- PV panels and Air Source Heat Pumps to each plot in accordance with details shown on plans 7218-1-21-Rev B, 7218-1-22 Rev A, Proposed Plot 3 - 7218-1-23-Rev A, 7218-1-24- Rev A, 7218-1-25-Rev A.
 - An electric vehicle charging point at a minimum rate of one per dwelling

Those measures shall thereafter be maintained in perpetuity.

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policies TG1 and TG11 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

8. All planting, seeding or turf laying in the approved landscaping scheme (24/500/02 B – Peter Quinn Associates) shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner. The hard landscaping shall be carried out in accordance with the approved plans and be completed prior to the first occupation of the development.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. Apart from where explicitly identified for removal on landscaping plan 24/500/02 B and tree survey 19/500/01, no retained tree 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 occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

There was an adjournment at 10:52 a.m.; the meeting reconvened at 11:04 a.m.

34. 233442 - 39 GREYFRIARS AVENUE, HEREFORD, HEREFORDSHIRE, HR4 0BE
(Pages 11 - 12)

The Principal Planning Officer provided a presentation on the application and the updates representations received following the publication of the agenda as attached to these minutes.

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

In accordance with the council's constitution a statement was read out on behalf of the local ward member. In summary, she explained the application had attracted a large number of representations both in objection and in support. The area of riverbank within the application was a highly valued part of the city for its scenic qualities and recreational uses. The aims of the application to increase access to the river were supported but it was noted that a highly sensitive approach was necessary to protect the welfare of the river. The application site was in a conservation area, a site of special scientific interest (SSSI) and a special area of conservation (SAC). The application therefore required a habitat regulation assessment (HRA) which had been considered by Natural England. Natural England had considered the HRA and objected to the application, due to its impact on the river. Natural England had previously given the river an unfavourable-declining rating. It was hoped that elements of the application and project could be taken forward and the sea scouts were encouraged to investigate the possibility of sharing facilities with the Rowing Club to launch boats.

The committee debated the application.

There was division among the membership of the committee regarding the acceptability of the application. It was the contention of some members of the committee that the impact of the application was not significant given similar structures which existed in close proximity at the Rowing Club. There was concern that the objection from Natural England obstructed a valuable local project.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion that the application be approved. The motion was subsequently withdrawn by both proposer and seconder.

It was the contention of other members of the committee that the unfavourable-declining condition of the river must be taken into account in determining the application and that the objection of Natural England must be given significant weight in the committee's deliberations.

Councillor Stef Simmons proposed and councillor Dave Boulter seconded the refusal of the application in accordance with the case officer's recommendation.

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

RESOLVED:

That planning permission is refused for the following reason:

The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest. There is a requirement for a Habitat Regulations Assessment (HRA) to demonstrate beyond reasonable scientific doubt that the proposed development would not have any adverse effects on the integrity of the SAC. The submitted details fail to provide sufficient evidence that

the proposed development would avoid adverse impacts on the SAC. The information provided in support of the application does not adequately address the potential ecological impacts or propose effective mitigation strategies to protect the sensitive features of the designated site; the measures do not avoid or reduce likely significant effects caused by the proposed new section of reinforced bank but rather would allow those effects to occur and compensate for them elsewhere. The proposal is also contrary to the objectives of the SAC Site Improvement Plan (SIP) and would not assist in the positive implementation of the associated River Restoration Plan (RRP). The submission also fails to adequately detail, with certainty, the extent to which the proposal would give rise to increased recreational pressures at the site. Consequently, the Local Planning Authority cannot be satisfied that the development would not harm the integrity of the designated site and cannot adopt a positive HRA, thus failing to comply with the requirements set out in the Conservation of Species and Habitats Regulations 2017 (as amended). Therefore, the proposal is contrary to Policy LD2 of the Herefordshire Local Plan – Core Strategy and the principles set out within the National Planning Policy Framework

The meeting ended at 12.10 pm

Chairperson

192515 – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (160581 – PROPOSED SITE FOR THE ERECTION OF 5 NO. FOUR BEDROOM DWELLINGS). BALANCE FARM TITLEY KINGTON HR5 3RL

For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

ADDITIONAL REPRESENTATIONS

An additional representation has been received following the publication of the Officer Report from Marches Planning on behalf of a local resident. It can be viewed here:

<https://myaccount.herefordshire.gov.uk/documents?id=718e7fa5-8fc3-11ef-9083-005056ab3a27>

It is understood that the resident has also submitted comments direct to Committee Members. Officers have had sight of this and the themes are similar in nature.

The key content of the representation can be summarised as follows:

1. The policies of the Titley NDP have been misrepresented in terms of the relationship between the site and the settlement boundary, specifically that the site will only be regarded as being within the boundary if development is lawfully commenced.
2. The Officer Report does not recognise the purpose of the settlement boundary in maintaining separation between the village and Eywood Park.
3. The proposal does not fulfil the requirements of NDP policy TG13 to 'protect and enhance the valued landscape' associated with Eywood Park
4. The screening provided by Leylandi trees should not be relied upon.
5. The proposal has not responded to the Committee's concerns and does not fulfil the requirements of NDP policy TG16 2) to incorporate sustainability measures such as building orientation, solar gain, sustainable construction methods and materials.
6. The proposal has not responded to Committee's concerns regarding scale and height. Smaller dwellings could have been designed to meet local needs as per TG2.
7. The proposal has not provided a pedestrian access to the village to avoid the B3455 junction, which could be secured by way of S106 agreement in accord with TG16

OFFICER COMMENTS

Officers would make the following comments corresponding to the points above:

- 1: This matter is addressed at Sections 6.9 – 6.12 of the Officer Report. Officers have reviewed the relevant sections in light of the comments supplied and consider that the interpretation of NDP policy TG5 set out at 6.11 of the Officer Report is accurate. Notwithstanding this, Members are advised that the principle of development is not a matter to be considered as part of the Reserved Matters application and therefore the relationship of the site with settlement boundary and spatial strategy of the NDP is not determinative in any case.
- 2, 3 & 4: These issues are addressed at Sections 6.29 – 6.40 of the Officer Report and these sections are considered to remain applicable. With regards to the potential impact upon Eywood Park as a designated heritage landscape, this has been

robustly appraised and found to be policy compliant. No harm has been identified and no objections received from the Senior Landscape Officer or Building Conservation Officer.

- 5: Section 6.41 of the Officer Report addresses sustainability. The amended plans incorporate PV panels, air source heat pumps and electric vehicle charge points which are secured by Condition 7. Condition 10 attached to the outline permission 160581/O secures water efficiency measures. All of these align with the requirements of policies TG16 and SD1. It is noted that the representation considers the scheme should go further, such as through an amended layout to enhance solar gain, however this needs to be balanced against ensuring the layout is an appropriate response to the site constraints and wider setting. Officers consider therefore consider that the scheme has made efforts to promote sustainability and would take the view that a refusal on the basis that the scheme has failed to exhaustively incorporate all of the measures detailed TG16 2) could not reasonably be justified.
- 6: These points are addressed within the Officer Report, Section 6.23 and 6.24.
- 7: The access strategy to the site, including for pedestrians, has been established through the outline permission P160581/O and subsequently P181476/ RM for approval of 'access'. The current application is for reserved matters approval of 'appearance, layout, landscaping and scale' only. The matter of pedestrian connectivity between the site and the wider area hence does not fall within the scope of the matters requiring approval and to seek additional provision at this point would go beyond what the LPA is entitled to consider.

NO CHANGE TO RECOMMENDATION

233442 - PROPOSED BOAT RAMP, SITING OF CRANE AND ASSOCIATED HARDSTANDING AND FOOTPATH. AT 39 GREYFRIARS AVENUE, HEREFORD, HEREFORDSHIRE, HR4 0BE

For: Mr Taylor per Urban Vista, Archways, River Road, Taplow, Maidenhead, SL6 0BG

OFFICER COMMENTS

The following additional information / point of clarification are made;

- It is understood that the diversion order of public footpath HER20 made under Section 119 of the Highways Act 1980 has been confirmed.
- It is noted that Paragraph 7.29 of the Officer Report states that the proposal would not alter the number of parking spaces at the site. This is consistent with that set out within the submitted application form. While the proposed footpath diversion would cut across the eastern extent of the existing car park which serves the Rowing Club, no details of how this impacts parking have been provided.
- The proposed site compound indicated on the proposed plans is not a permanent element of the proposed development in which planning permission is sought. Rather, such a feature would be used to support the construction work and day-to-day operations on site. As shown on the plans, they often include temporary offices, toilets and equipment storage areas. Paragraph 7.29 outlines matters relating to the management of the proposed site compound and how it could be controlled by way of planning conditions.

NO CHANGE TO RECOMMENDATION

