

## **Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 30 July 2025 at 10.00 am**

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

**Councillors: Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole,  
Dave Davies, Matthew Engel, Peter Hamblin, Robert Highfield, Stef Simmons,  
Charlotte Taylor, Richard Thomas and Mark Woodall**

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

### **15.        APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Stone.

### **16.        NAMED SUBSTITUTES (IF ANY)**

Councillor Robert Highfield acted as a substitute for Councillor Stone.

### **17.        DECLARATIONS OF INTEREST**

Councillor Charlotte Taylor declared a non-registrable interest in agenda item no. 8 (Application 250688 – Bishopstone House); the applicant and applicant's family were close associates. Councillor Taylor would leave the meeting room during consideration of the application and take no part in its determination.

Councillor Polly Andrews declared a personal interest agenda item no. 6 (Application 242024 – Land opposite and East of Caenwood); the applicant was a distant known associate.

Councillor Terry James declared a personal interest agenda item no. 6 (Application 242024 – Land opposite and East of Caenwood); the applicant was a distant known associate.

### **18.        MINUTES**

**RESOLVED:** That the minutes of the meeting held on 4 July 2025 be approved.

### **19.        CHAIRPERSON'S ANNOUNCEMENTS**

### **20.        242024 - LAND OPPOSITE AND EAST OF CAENWOOD, HOWLE HILL, ROSS-ON-WYE, HEREFORDSHIRE (PAGES 21 - 22)**

*Councillor Simeon Cole acted as the local ward member for the following application.*

The senior 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 De La Hay, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the proposal was contrary to elements of the Walford neighbourhood development plan (NDP). The proposal did not accord with Walford NDP policies WALF2 and WALF20. The proposed development did not respect the character of the area, the contemporary design was at odds with other local properties and was too far from existing homes to accord with the requirements of the NDP for new properties. Drainage from the site was a significant concern and questions had been raised regarding the suitability of the compost toilet on the site and the impact this was likely to have on other local properties and water courses. In addition there were concerns about the smell produced from the compost toilet. There was concern that run off from the compost toilet would enter water courses and eventually the river Wye. Before any approval for the application was considered an Environment Agency drainage permit should be secured by the applicant. The impact of the development on the local landscape and views in the area meant the application was contrary to Core Strategy policies SD1 and LD1 and NDP policies WALF17 and WALF4. Due to the inconsistencies of the proposed development with the NDP and the Core Strategy the application should be refused.

The committee debated the application. The committee did not consider that the development had an adverse impact on the landscape as the property was lowered into the development site and was well screened. The use of a steel roof was questioned as being out of keeping with other local properties but it was felt that the property was modest and discreet and would not pose an unacceptable impact on the local landscape. It was noted that the local parish council had no objection to the application. The development had been subject to a habitats regulation assessment and drainage from the property would be subject to an Environment Agency permit.

Councillor Stef Simmons proposed and councillor Polly Andrews seconded a motion that the application be approved 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 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. **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. **The development shall be carried out strictly in accordance with the approved plans [(drawing nos. TPG-409-P-350; TPG-409-P-500; TPG-409-P-550; TPG-409-P-300; Garden Shed Elevations, Validated 7 August 2024 ; Greenhouse Elevations, Validated 7 August 2024 )], except where otherwise stipulated by conditions attached to this permission.**

**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, Policies WALF4, WALF6, WALF10, WALF17 and the National Planning Policy Framework.

- 3. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), 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**
  - c) if the risk assessment in (b) 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.

- 4. The Remediation Scheme, as approved pursuant to condition 3 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.

- 5. Unless otherwise approved in writing by the Planning Authority:**
- All foul water created by the dwelling permitted under this permission shall be managed by a composting toilet system with solids and liquids being separated and stored for further management.**
  - All solids created by the composting toilet shall be subject to a dry composting process for a period not less than 12 months and then shall be used a fertiliser within the curtilage of the permitted dwelling.**
  - All liquids created by the composting toilet shall be used a fertiliser within the curtilage of the permitted dwelling.**

- The permitted foul water system shall be managed and maintained as approved.

**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, SD3, SD4, LD1, LD2 and LD3 and the council's declared Climate & Ecological Emergency.

**6. Unless otherwise approved in writing by the Planning Authority:**

- All 'grey water' created by the dwelling permitted under this permission shall be managed by a designed 'WET' system as detailed in approved plans
- No discharge or outfall of any grey water outside of the curtilage of the approved dwelling shall occur at any time.
- The permitted WET grey water management system shall be managed and maintained as approved.

**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, SD3, SD4, LD1, LD2 and LD3 and the council's declared Climate & Ecological Emergency.

**7. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by New ways Ecology dated 25 July 2024 shall be implemented and hereafter maintained in full as stated.**

**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 policy LD2.

**8. 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

**9. 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, a Method Statement for remediation.

The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with, and the development complies with approved details in the interests of protection of ground and surface waters, Policy SD1 of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.

10. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 26 metres to the South west and 30m to the North East along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy WALF12 of the Walford Neighbourhood Development Plan and the National Planning Policy Framework.

11. 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.

12. Prior to commencement of works above the damp course hereby approved 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.
- d. All proposed hardstanding and boundary treatment.

**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, Policies WALF6 and Policy WALF17 of the Neighbourhood Development Plan and the National Planning Policy Framework.

- 13.** 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.

- 14.** Prior to first use of any dwelling approved under planning permission, evidence such as photographs or ecologists report of the suitably placed installation on the approved buildings, or on other land under the applicant's control, of a minimum of FOUR bird nesting features and TWO bat roosting features, of mixed types; and hedgehog highways through all impervious boundary features, 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), Environment Act, LURA, Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2; and the Council's declared Climate & Ecological Emergency.

- 15.** Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 1 cars which 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

- 16.** Prior to the first occupation of each dwellinghouse, 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.

The approved details shall be implemented and completed prior to first occupation of the dwellinghouse and thereafter maintained for the lifetime of the development.

**Reason: To ensure compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 17. All planting, seeding or turf laying in the approved landscaping scheme (Condition 12) 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.**

**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 WALF6 and Policy WALF17 of the Neighbourhood Development Plan and the National Planning Policy Framework**

- 18. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

**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. Within six months of any of the solar panels/photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.**

**Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 20. The dwellinghouses hereby permitted shall be constructed as self-build 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 each 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 dwellinghouses 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.**

**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 outline 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. 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.
3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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 co-ordinate 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 845900.

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517)), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate 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 845900.

5. 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. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517).

*Councillor Cole resumed his seat on the committee.*

**21. 251273 - CAR PARK (PLOT 1A & 1B) TOGETHER WITH PLOTS 4 & 5, EAST OF WIDEMARSH STREET, HEREFORD, HEREFORDSHIRE, HR4 9JU (PAGES 23 - 24)**

*Councillor Polly Andrews acted as the local ward member for the application below.*

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 Milln, local resident, spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the proposal had been subject to negotiation with environmental bodies and interested parties. It was part of the development of the Merton Meadow urban village and the proposed works were designed to protect against flooding from Widemarsh Brook and local watercourses. The proposal would improve large areas of scrubland in the locality.

The committee debated the application. The committee was in favour of the application and the following principal points were raised during the debate:

- the loss of parking locally was a concern and it was hoped that schemes would be put in place to offset the loss of parking places resulting from the application;
- the flood modelling that had been undertaken contained elements of uncertainty and concerns existed regarding the likely impact of the measures proposed upstream. It was noted that the Wildlife Trust had been developing an area for flood alleviation upstream from the development site and it was questioned how this would be affected by the proposed development;
- It was noted that the condition relating to the management and maintenance of the landscape was for a period of 10 years, this was not felt to be a sufficient period of time and it was requested that the condition be extended to the maximum period allowable or 30 years;

- The tensions with core strategy policies HD2 and E4, with relation to the canal restoration, were understood. However it was considered that the attenuation pond proposed close to the site of the canal basin would not be an impediment to the future restoration of the canal.
- The proposal would create wetland in the centre of Hereford. Schemes and measures needed to be put in place in order to protect the wildlife that would be attracted to the wetlands.
- Improved connectivity to the proposed wetlands from the transport hub was required for pedestrians to access the ponds.

The development manager provided the following clarification

- The application was very technical in detail and significant modelling of the flooding had been undertaken. The Environment Agency as the statutory consultee had reviewed the flood risk assessment and the modelling and had no objection. The Wildlife Trust had been involved in discussions regarding the scheme but comments regarding the impact of the scheme on work that the Wildlife Trust was undertaking would be fed back to the project team.
- The length proposed for the maintenance and management of the site in condition 13 could be extended.
- The provision of parking would be considered by the project team.
- The ecological impact of the application would be positive with a biodiversity net gain and wildlife corridors enhanced and maintained.

Councillor Robert Highfield proposed and councillor Richard Thomas seconded a motion that the application be approved with a change to condition 13 to ensure the management and maintenance of both soft and hard landscapes was undertaken over a period of at least 30 years or for the maximum amount possible.

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

#### **RESOLVED:**

**That planning permission be granted subject to the following conditions, an update to condition 13 (to ensure the management and maintenance of both soft and hard landscapes was undertaken over a period of at least 30 years or for the maximum amount possible) and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

#### **1 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 Approved Plans**

**The development shall be carried out strictly in accordance with the approved plans:**

- **Location Plan HRFRD-BUT-XX-00-DR-A-01100-P2**
- **Existing Site Plan – Plots 1A and 1B HRFRD-BUT-XX-00-DR-A-01101-P1**
- **Existing Site Plan – Plots 4 and 5 HRFRD-BUT-XX-00-DR-A-01102-P2**

- General Arrangement Plot 1A LD-SC-002 Rev A
- General Arrangement Plot 4 LD-SC-003 Rev B
- General Arrangement Plot 5 LD-SC-004 Rev C
- Zoning Plan LD-SC-001 Rev B
- Hardscape Plan-Plot 1A LD-SC-005 Rev A
- Hardscape Plan-Plot 5 LD-SC-006 Rev C
- Planting Plan-Plot 1A LD-SC-007 Rev A
- Planting Plan-Plot 4 LD-SC-008 Rev B
- Planting Plan-Plot 5 LD-SC-009 Rev C
- Tree Plan-Plot 1A LD-SC-010 Rev A
- Tree Plan-Plot 4 LD-SC-011 Rev B
- Tree Plan-Plot 5 LD-SC-012 Rev A
- Planting and Materials Legend LD-SC-013 Rev C
- Plot 1 Sections AA BB LD-SC-014 Rev A
- Plot 4 Sections AA LD-SC-015 Rev A
- Plot 5 Sections AA BB LD-SC-016 Rev B
- Existing Contours – Plot 1A/B 35849-HYD-1A-XX-M3-C-90100 P01
- Flood Compensation Plan - Plot 1A/B/C 35849-HYD-1-XX-M3-C-90110 P04
- Proposed Contours - Plot 1A/B 35849-HYD-1-XX-M3-C-90120 P01
- Sections Through – Plot 1A/B 35849-HYD-1-XX-D-C-90150 P01
- Site 1A/B/C Cut and Fill volume plan - 35849-HYD-5-XX-M3-C-90140 P02
- Existing Contours – Plot 4 35849-HYD--XX-M3-C-90100 P01
- Site 4 Cut and Fill analysis - 35849-HYD-5-XX-M3-C-90140 P01
- Flood Compensation Plan – Plot 4 35849-HYD-2-XX-MC-3-90110 P02
- Proposed Contours – Plot 4 35849-HYD-2-XX-M3-C-90120 P01
- Sections Through – Plot 4 35849-HYD-2-XX-M3-C-90150 P01
- Existing Contours – Plot 5 35849-HYD-5-XX-M3-C-90100 P03
- Site 5 Cut and Fill analysis - 35849-HYD-5-XX-DR-C-90140 P02
- Flood Compensation Plan – Plot 5 35849-HYD-5-XX-M3-C-90110 P04
- Proposed Contours – Plot 5 35849-HYD-5-XX-M3-C-90120 P02
- Sections Through – Plot 5 35849-HYD-5-XX-M3 -C 90151 P02 (sheet 2)
- Sections Through – Plot 5 35849-HYD-5-XX-M3 -C 90150 P02 (sheet 1)

**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.

### **Prior to Commencement**

#### **3 Ecology surveys**

Prior to commencement of construction works other than site clearance, all required Optimal Period otter and bat surveys shall be completed and the resulting report submitted to the Local Planning Authority. The report shall include survey methodology and results, details of proposed mitigation and compensation with recommendations for required Protected Species Licences. The approved report, shall be implemented in

full, and hereafter maintained.

**Reason:** To ensure all protected species and habitats are protected and conserved 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 SS6, LD1, LD2 and LD3.

**4 Air Quality Screening**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, an air quality screening assessment and a dust risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The approved report, shall be implemented in full, and hereafter maintained.

**Reason:** To protect the amenities of nearby properties so as to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**5 Construction Environment Management Plan**

Before any work; 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.

**6 Landscape/Ecology Plan**

No development shall take place until a Landscape, Habitat and Ecological Management Plan, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the provisions of the approved Plan.

**Reason:** To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for optimising the enhancement of the site’s nature conservation value in line with national planning policy and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and the National Planning Policy Framework.

**7 Waste Prevention**

Prior to any development commencing on site, including any site clearance or groundworks, details of a site waste prevention plan and material management measures shall be submitted and approved in writing by the Local Planning Authority. This shall include the steps to be

taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase. Construction works shall thereafter be carried out in full accordance with the details of the approved plan.

**Reason:** The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

## **8 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 National Highways, 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
- Any lighting
- Construction Traffic Management Plan
- Hours of working
- Community engagement
- Location of any welfare buildings
- Noise and vibration controls (including the identification of noise sources and sensitive receptors (including residential) followed by a risk assessment)
- Complaint handling

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 mitigate any adverse impact from the development on the A49 trunk road in accordance with DfT Circular 01/2022 and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **9 Arboriculture Statement**

Prior to the commencement of any construction works close to retained trees, an Arboricultural Method Statement (AMS) must be submitted and approved by the local planning authority. This should include all information to ensure impacts to retained trees are kept to an acceptable level. The development shall be carried out in strict accordance with the approved AMS.

**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.

## **10 Basin design**

Prior to the commencement of the development, details of the design of the proposed basins and offtakes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

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

**11 Contaminated land**

No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), 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

c) if the risk assessment in (b) 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.

**Pre-occupancy or other stage conditions**

**12 Public Sewer**

No development shall commence on plots 4 and 5 until the public sewers crossing the plots have been accurately located and if necessary, a scheme to divert the assets has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be delivered prior to the construction of any SUDS. Thereafter the scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

**13 Landscape management and maintenance**

**Before the development is first brought into use, a schedule of**

- **Soft landscape management and maintenance for a period of ten years.**
- **Hard landscape management and maintenance for a period of ten years**

**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.**

**14 Lighting**

**Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

**Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**15 Maintenance plan for basins**

**Before the development is first brought into use details of the provision of a maintenance plan for basins shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved plan.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SD3, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

**16 Contaminated Land**

**The Remediation Scheme, as approved pursuant to condition 11 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.**

**17 Archaeology investigation**

**The applicant shall commission a suitable archaeological investigation of the far southern corner of Application Area Plot 5. This investigation**

should commence prior to any construction works in this part of the site, and the results of the investigation will form part of the continuing design process here. The investigation will in essence consist of an appropriate geophysical survey, and targeted archaeological excavation area(s). As would be normal, there will be a need to make the results, and any archive generated, publicly accessible in due course.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Post occupancy monitoring and management/Compliance Conditions**

**18 Ecology Enhancements**

Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least TWELVE bird nesting boxes; FOUR artificial kingfisher tunnels; FOUR number bat roosting features; ONE artificial otter hold as recommended within the Ecological Appraisal by Greengage (dated April 2025) should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement 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.

**19 Tree protection**

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Arboricultural Impact Assessment and Tree Protection Plan (All Silva\_AIA/TPP\_15429\_24.04.25).

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.

**20 Contaminated Land**

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.

**21 Surface Water**



**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.**

**22 Ecological recommendation secured**

**The recommendations set out in the Impact Assessment section of the Ecological Appraisal by Greengage dated April 2025 should be followed in relation to the identified protected species (badgers, bats, birds, invertebrates, hedgehogs and INNS) unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 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 11, 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 2024.**
  - 1) 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.**
  - 2) Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.**
- 3 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.**
- 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 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.

*Councillor Charlotte Taylor left the meeting at 11:19 a.m.*

*There was an adjournment at 11:19 a.m.; the meeting reconvened at 11:25 a.m.*

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

**22. 250688 - BISHOPSTONE HOUSE, BISHOPSTONE, HEREFORD, HEREFORDSHIRE, HR4 7JG**

The planning officer provided a presentation on the application and gave a verbal update to condition 3 of the recommended conditions. Recommendation 3 should read as below;

*No below ground work should take place until the developer has secured the implementation of a programme of archaeological survey and recording open brackets to include recording of the standing historic fabric and any below ground deposits affected by the works close brackets. This programme shall be in accordance with the written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the county archaeology service.*

In accordance with the council's constitution the local ward member provided a statement on the application. In summary, he supported the application and the works proposed.

The committee debated the application and was content that the proposal was an enhancement to the existing development.

Councillor Stef Simmons proposed and councillor Dave Davis seconded a motion that the application be approved in accordance with the case officer's recommendation.

The motion was put to a vote and was carried unanimously.

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

**1. Time limit for commencement**

**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 and materials**

**The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 8533-01C; 8533-02; 8533-03; 8533-04; 8533-05; 8533-06; 8533-07) 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, Bishopstone Group Neighbourhood Development Plan and the National Planning Policy Framework.**

**3. Archaeological survey and recording**

**No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

**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. External Illumination**

**Having regard to known bat roosts in the locale, details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. The lighting plan should be undertaken alongside an ecologist to ensure no adverse impacts to nearby bat roosts occur. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

**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.**

**5. European Protected Species (EPS) Licence**

**No development shall commence until a European Protected Species (EPS) licence for bats has been obtained from Natural England, and a copy of the licence has been submitted to the Local Planning Authority. The licence must include detailed mitigation**

and compensation measures to safeguard the known bat roosts that would be adversely affected by the proposed works. These measures shall include, but not be limited to, the timing of works, provision of alternative roosting features, and post-construction monitoring (if required). All works shall thereafter be carried out in strict accordance with the approved licence and mitigation strategy.

Reason: 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.

#### **INFORMATIVES:**

##### **1. Application Approved Without Amendment**

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

##### **2. Wildlife 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status 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 is advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

##### **3. Biodiversity Net Gain (Exemption Informative)**

The meeting ended at 11.32 am

Chairperson

**242024 - PROPOSED ERECTION OF SELF-BUILD DWELLING AND ANCILLARY OUTBUILDINGS AND CREATION OF ACCESS AT LAND OPPOSITE AND EAST OF CAENWOOD, HOWLE HILL, ROSS-ON-WYE,**

**For: Andrew De La Haye & Yolande Watson per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG**

## **ADDITIONAL REPRESENTATIONS**

### **Representation from Applicants: 22 July 2025 16:36**

We have just picked up your report, thanks, and have quickly read through it. We have the following observations and comments.

- Under Planning History on page 3 - 233356 Pre Application Advice has not been included. It is important to note that this pre app advice stated that drainage was broadly accepted by the BBLP drainage team at that stage.
- The HC ecologist's (A.Coxixo) report dated 23rd September 2024 references the presence of knotweed. We have previously asked for this to be corrected because the HC ecologist misread the PEA and in fact there is no knotweed on site. We feel it is important for the committee to be aware of this fact as it is a notifiable invasive species.
- The public third party representations summary should read 12 representations of which 9 are supporting and 3 objecting. The objections summary implies that more than one objection was concerned with design, landscape impact and traffic impact. Whereas only one representation mentioned these subjects.

## **OFFICER COMMENTS**

- The applicant confirmed on the 29<sup>th</sup> of July 2025 that the parcel of land is not a registered small holding. There are no registered livestock present within the application site.
- Addition to Section 2.1

Relevant Policies

**Herefordshire Local Plan- Core Strategy**

- **Correction to wording to reference one dwelling Condition 16**

Prior to the first occupation of the dwellinghouse, 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.

The approved details shall be implemented and completed prior to first occupation of the dwellinghouse and thereafter maintained for the lifetime of the development.

Reason: To ensure compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **CHANGE TO RECOMMENDATION**

No change to recommendation

**251273 - PROPOSED FLOOD ALLEVIATION SCHEME TO ADDRESS HISTORIC FLOODING ACROSS THE MERTON MEADOWS AREA OF THE CITY AT CAR PARK (PLOT 1A & 1B) TOGETHER WITH PLOTS 4 & 5, EAST OF WIDEMARSH STREET, HEREFORD, HEREFORDSHIRE, HR4 9JU**

**For: Mr Holland per Ms Lucy Brackenbury, 41 Bengal Street, Ancoats, Manchester, M4 6AF**

## **ADDITIONAL REPRESENTATIONS**

There have been two further representations, received on 27<sup>th</sup> July 2025 that states:

This application, and the proposal for houses around the Football ground will do great harm to Hereford fc and shopping in Hereford, as someone with walking difficulties I would have to give up Attending Matches if there was nowhere close to park.

&

This Proposal will be a severe blow to shopping and the Football club with a large part of the support Hereford fc get travelling from out of the city.

## **OFFICER COMMENTS**

The additional representations received raises no new material planning considerations. The considerations have already been highlighted and/or discussed throughout the officer report.

## **CHANGE TO RECOMMENDATION**

No change to recommendation

