

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 19 November 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, Catherine Gennard, Peter Hamblin,
Stef Simmons, John Stone, Charlotte Taylor, Richard Thomas and
Mark Woodall**

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

39. APOLOGIES FOR ABSENCE

There were no apologies.

40. NAMED SUBSTITUTES (IF ANY)

No substitutes.

41. DECLARATIONS OF INTEREST

Councillor Charlotte Taylor declared, in relation to agenda item no.6, application 222138 – Land at Three Elms, that she had previously made comments on social media regarding the application but that she was approaching the determination of the application at the present meeting with an open mind,

42. MINUTES

RESOLVED: That the minutes of the meeting held on 15 October be approved.

43. 222138 - LAND AT THREE ELMS, NORTH EAST QUARTER TO THE NORTH EAST OF HUNTINGTON AND BOUNDED BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7RA

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda. Correspondence received from Heineken's legal team, after the publication of the updates sheet, was raised confirming their position relating to water supply.

In accordance with the criteria for public speaking, Mr Milln, spoke on behalf of Herefordshire City Council, Mr Hull, local resident, spoke in objection to the application and Mrs Barrett-Mudhoo, spoke in support on behalf of the applicant.

In accordance with the council's constitution a statement was read on behalf of the local ward member. In summary, he explained that flooding was a problem on the proposed

site and incidents of flooding locally would be exacerbated by the development. Traffic in the area was a significant concern and the proposed development would add to problems with congestion on the local highways. There was also concern that additional houses in the locality and the consequent increase in traffic movements would result in an adverse impacts on highway safety, particularly for school children accessing local schools. It was queried whether there were sufficient local services to accommodate the additional houses and residents proposed by the new development. It was noted that the development would result in the loss of prime arable land. The application would result in the loss of access to the open countryside and the enjoyment of local footpaths. There would be an increase in the level of pollution caused by the additional traffic movements associated with the site. There would be a loss of natural and agricultural habitat and it was not obvious, in the application, how this would be mitigated.

In accordance with the council's constitution a statement was read on behalf of the adjoining ward member. In summary, she explained that the development would exacerbate existing congestion issues on the highways in the local area and have an adverse impact on highway safety. Traffic leaving the proposed site would have difficulty joining the flow of traffic along Roman Road and Three Elms Road. In addition, the proposed access onto Roman Road would be on a section of the road with the national speed limit of 60 mph which was hazardous; Roman Road was noted as a problem area for speeding. The proposed access for Roman Road was also to be situated in close proximity to a children's play area on the Tillington Road. It was understood that traffic calming measures could be introduced but there would be increased noise from traffic which would have an unacceptable impact on residential amenity. It was requested that the applicant discuss with the council the possibility of making the old Tillington Road from the South one way to overcome problems involving the build up of traffic on the Roman Road during peak times.

The committee debated the application and was divided as to the acceptability of the application; the following principal points were raised:

- The need for the site had been established as a contribution towards the expansion of Herefordshire city and the building of houses locally;
- It was queried whether it was safe to build on the land given the topography of the proposed site, the nature of the soil and the aquifer located beneath the application site. The stability of the north portion of the site was questioned; set on a steep slope upon unstable soil;
- There were serious concerns regarding the application and significant objections had been received. In light of concerns about the safety of the site and the level of opposition locally it was not felt that the application should be approved, even in outline form. There was no guarantee that the reserved matters application would return to committee for determination therefore the outline permission should not be approved;
- The site was a strategic development site identified within the local plan;
- There was significant evidence of negotiation between the highways department and the applicant; the work undertaken by highways during assessment of the application and the impacts on local highways had resulted in a reduced application for up to 350 houses;
- It was noted there were no objections from Natural England, the Environment Agency, the highways department or ecology consultees;
- There were concerns regarding the protection of the aquifer below the site, particularly in light of the concerns raised by Heineken;
- The proximity of the site access to the Tillington Road junction onto Roman Road was a concern and would have an adverse impact on highway safety. A lot of agricultural traffic used Roman Road which contributed towards concerns regarding highway safety;

- Active travel measures from the site were supported and should be emphasised in the permission and any later applications concerning the site;
- It was noted that standing water concerns had been raised regarding the roundabouts proposed in the highway scheme;
- It was the contention of some members of the committee that the application should be deferred to allow for additional information regarding the environmental constraints and the production of a geophysical survey. It was queried why no foundation risk assessment had been undertaken previously, prior to the submission of the application.

The development manager and highways adviser provided the following points of clarification:

- The application before the committee required a consideration of whether the principle of development and the proposed access arrangements were acceptable on the site;
- A more detailed application would follow at the reserved matters stage. The process to consider an outline application at the initial stage was a procedure permitted in law. The reserved matters application would return to the committee for determination if constitutional requirements were met;
- During assessment of the current application, technical constraints had been considered and it had been assessed whether mitigation could be utilised to overcome issues regarding flooding matters and ecological concerns.
- The access onto Roman Road had been the subject of technical reviews and junction modelling which had concluded an acceptable form of junction;
- A speed limit was proposed on Roman Road of 40 mph and the right turn filter would result in the narrowing of the carriageways on the highway;
- Conditions were imposed to identify and clarify the private water supply for the development but conditions could not be applied to prevent the use of detergents or other household products;
- The highways network within which the access to the site was located would be significantly reconfigured with elements including crossing points, narrowing of carriageways and cycling and pedestrian paths. These alterations would result in a significantly different road environment to mitigate highway safety concerns;
- Amendments to the highway scheme could be incorporated at a later date if there were further flooding and drainage issues identified;
- An in principle decision could be taken following an assessment of the known constraints with the site. With regards to the ground conditions and geotechnical issues, sufficient assessments had been undertaken to allow the application to be brought before the committee. The application was for up to 350 houses and it may be the case that some were not built as a consequence of further investigation into matters concerning the proposed development site.

Councillor Bruce Baker 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 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 (Draft Agreement to be published for a minimum of 10 working days prior to determination) officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission with all matters reserved except access subject to the conditions below and any other further conditions (or amendments) considered necessary.

Standard

1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of four years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

2 Each phase of the development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved for that phase, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for a phase shall be obtained from the Local Planning Authority in writing before any development on that phase is commenced.

Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1, LD1, LD2, LD3, LD4, HD5, MT1, OS1, OS2 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

4 The development shall be carried out strictly in accordance with the approved plans as far as it relates to access:

- Three Elms Site Boundary: Ref 00342_S_05 Rev P2
- 105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road
- 105572-T-006 (Rev M) – Site Access Arrangement Three Elms Road
- 105572-T-007 (Rev H) – Proposed Whitecross Road Arrangement
- 105572-T-010 (Rev E) - Proposed Footway/Cycleway Three Elms Road

except where otherwise stipulated or approved 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, MT1 and HD5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5 The reserved matters applications should be in general in accordance with the following plans:

- Building Heights Parameter Plan – 00342_PP_03 Rev P5
- Updated Parameter Plan: Access – 00342_PP04 Rev P8
- Green Infrastructure Ref - 00342_PP_02 Rev P9
- Land Use Parameter Plan- 00342 PP_01 Rev P9

Reason. To ensure adherence to the approved plans in the interests of a

satisfactory form of development and to comply with Policy SD1, MT1 and HD5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Pre-commencement

6 Prior to the commencement of the development, a Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the geographical phasing, if any, for the development and shall specify the following:

- Residential phases
- Infrastructure phases
- Care home Phase
- Park and Choose
- Timing of delivery of on-site highway works (including but not limited to on site roads, footways, cycleways)
- Timing of delivery of on-site public open space
- Procedures for amending the phasing plan if subsequently deemed necessary.

The development shall be constructed in accordance with the agreed phasing plan (as may be amended in accordance with this condition).

Reference in this permission to a “phase” shall be a reference to a phase as shown on the agreed phasing plan.

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies HD5, SD1, SS4, SS7, MT1, OS3

7 Prior to any works or site preparation commencing on a phase, a detailed Construction Environmental Management Plan (CEMP) for that phase – including details of the person responsible for the implementation of the CEMP, shall be supplied to the LPA for written approval.

The approved CEMP shall be implemented in full for the duration of all construction works at the phase unless otherwise approved in writing by the local planning authority.

The Plan shall include

Construction Management

- a) Hours of working
- b) A method for ensuring mud is not deposited onto the Public Highway
- c) Construction traffic access location and specification
- d) Parking for site operatives
- e) Construction Traffic Management Plan
- f) Travel plan for operatives.
- g) Siting of site compound / site offices (including stack heights) and storage areas

Environmental Management

- a) An arboricultural report relating to any trees on or adjacent to the phase and details of any tree protection measures and method statements for works within root protection areas in accordance with BS5837:2012
- b) Dust management and mitigation measures
- c) Ecological risk avoidance measures based on site conditions
- d) Where a phase includes any headwall or other works within or directly adjacent to the Yazor Brook, ecological working methods and measures to mitigate any likely effects, including biosecurity and direct water quality protection measures. The matters set out in paragraph 6.1 of the Tetra Tech Mitigation Plan dated June 2022
- e) An Emergency Response Plan addressing the matters set out in paragraph 7.1 of the Tetra Tech Mitigation Plan dated June 2022
- f) Details of how soils will be protected during and after construction

Reason: In the interests of amenity and highways safety and 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 HD5, SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 8** Prior to any works or site preparation commencing on a phase, a Materials Management Plan (MMP) shall be submitted to and approved in writing by the Local Planning Authority. The MMP will detail how the site construction materials and excavated materials are to be managed by the appointed contractor. The plan shall estimate the extent to which on site materials extracted during the proposed development would meet specifications for use on site and outline the amount of material which could be reused on site. For material which cannot be used on-site, the MMP will specify its movement to either an aggregate processing plant or for re-use on another development site. The development shall then be carried out in accordance with the approved MMP. During the construction phase an annual return of material used on site and the amount returned to an aggregate processing plant shall be provided on request to the Local Planning Authority and Mineral Planning Authority.

Reason: In the interest of conserving and managing all available mineral across the site and to ensure, manage and co-ordinate the protection and enhancement of the environment in accordance with the requirements of Policies HD5, SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan – Core Strategy and of the Herefordshire Minerals and Waste Local Plan.

- 9** Any reserved matters applications relating to the reserved matter of Landscaping submitted pursuant to Condition 1 shall be accompanied by the following:

A scaled plan identifying:

- Trees and hedgerow to be retained,
- Trees and hedgerow to be removed.
- Details of all proposed planting, accompanied by a written specification setting out the proposed species, size, quantity, density with cultivation details.
- Details of all proposed hardstanding and boundary treatments.

Reason: To safeguard and enhance the character and amenity of the area in order to accord with policies HD5, SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

- 10** Prior to the occupation of any dwelling or the care home on a phase, a detailed Landscape Ecological Management Plan for that phase (to include management specifications for relevant features in that phase identified in the Ecological Mitigation Strategy and a minimum 30 year establishment management scheme) shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be complied with.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies HD5, SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 11** Prior to the commencement of any development, a site wide Ecological Mitigation Strategy, which addresses ecological protection, mitigation, compensation and enhancement shall be submitted to and approved in writing by the Local Planning Authority, including but not limited to.

- a) Description and evaluation of existing ecological features to be retained and managed, and the purpose and conservation objectives for the proposed works;
- b) A minimum 10 m buffer along the length of the Site's northern boundary as outlined on drawing PP-09-P9 (to be excluded from the curtilage of residential plots and with no public access – access to this area shall be for management purposes only)
- c) The retention and enhancement of the boundary hedgerow on the northern boundary of the Site

d) For Otters:

(i) No new bridge crossings on the Yazor Brook.

(ii) Retention of the Yazor Brook and associated riparian habitats with a minimum 20 m buffer between the watercourse and built development.

e). For Skylarks:

- (i) 11.59 ha of green space (47%) to be provided with 50% as managed species-rich grassland for wildlife (including for the nesting skylark) and 30% for amenity (the detailed location to be confirmed at the reserved matters stage)
- (ii) Other habitats and mitigation as outlined in the Extended Phase 1 survey by EDP dated September 2021 of the Ecological briefing note by EDP dated December 2023

f) The installation of a minimum of 175 bird nesting boxes (mixed types), 105 bat roosting features (such as bat boxes or bricks), 35 insect habitats, 35 hedgehog homes and hedgehog highways through impermeable boundary features

The reserved matters applications submitted pursuant to condition 1 shall be in broad compliance with the approved Strategy.

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 HD5, SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency and the National Planning Policy Framework

- 12** The Off-Site Active Travel Measures referred to in these conditions shall be the measures shown in principle on Pell Frishmann drawing numbers [105572-T-001 (Rev J), 105572-T-004 (Rev I), 105572-T-005 (Rev I), 105572-T-009 (Rev F), 105572-T-008 (Rev I), 105572-T-006 (Rev M), 105572-T-023 (Rev D), 105572-T-200001 (Rev I), 105572-T-200002 (Rev G), 105572-T-200003 (Rev H) and 105572-T-200004 (Rev C)], 105572-T-011 Rev E

No development shall commence until full engineering details of the Off-site Active Travel Measures including their specification have been submitted to the Local Planning Authority for approval.

The full engineering details shall include details of pedestrian and cycling priority and improvements, review of speed limits (on Grandstand Road), gateway features, crossings, and junction improvements with the aim of providing improved active travel connectivity to meet design standards and improve safety for all users along the relevant routes.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 and HD5 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13** Prior to commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be informed by an assessment of the hydrological and hydrogeological context of the development and shall include additional infiltration testing and the proposed timetable for implementation alongside phases of the development.

The surface water drainage scheme shall contain details of any broken pipes and the management of runoff from Roman Road where relevant. The drainage scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies HD5, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14** Prior to commencement of any development, a detailed foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Welsh Water.

The foul water drainage scheme design shall be informed by an assessment of the hydrological and hydrogeological context of the

development and take account of the groundwater vulnerability and sensitive groundwater resources. The scheme shall include the proposed timetable for implementation alongside phases of the development.

The scheme shall be implemented in accordance with the approved details.

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

15

Prior to commencement of development in a phase an excavation strategy for that phase shall be submitted to and approved in writing by the LPA based on the latest SPZ extents at the time of submission published by the EA and the following principles:

- i. SuDS ponds and flood storage areas constitute 'wide' excavations;
- ii. Lining of SuDS ponds is acceptable as a form of mitigation (with very robust lining in SPZ1);
- iii. Lining of a flood storage area is not considered to be a practical option;
- iv. The strategy should take account of the thickness of till (boulder clay) over the aquifer (as per Appendix E of the 'Flood Risk Assessment & Drainage Strategy' dated 12th June 2024) – this applies to both the left and right banks of Yazor Brook and permeability should also be considered;
- v. All excavations in SPZs to be minimized to far as reasonably practicable taking account of the overall approach set out below
- vi. In SPZ 1: SuDS ponds are permitted with a very robust lining. No flood storage excavations are permitted.
- vii. In SPZ 2: 2.0m of till cover shall be maintained; save for SuDS ponds where lining is provided, in which case till cover can be reduced to 1.5m.

The scheme shall be implemented in accordance with the approved excavation strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies HD5, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16

Prior to commencement of any development in a phase the following shall be submitted to and approved in writing by the Local Planning Authority in that relevant phase:

- a) a 'desk study' 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 in that phase 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 HD5, SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 17 Prior to any development commencing in a phase, excluding site preparation works, a detailed plan and specifications for that phase of measures (including the use of natural planting and features and / or artificial fencing and / or similar features and measure to increase public awareness with interpretation-signage) to manage and control the recreational use of footpaths and open space to ensure that there is no disturbance effects to the Yazor Brook wildlife corridor) shall be supplied to the Local Planning Authority for written approval.

The approved plan and specifications shall be implemented in full unless otherwise 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 HD5, SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 18 No development shall take place in a phase until the developer has secured the implementation of a programme of archaeological survey and recording for that phase [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 to approved by the Local Planning Authority.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy HD5 and LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework.

- 19 Prior to commencement of any development in each phase.

- A. A geophysical survey to determine the presence and thickness of glacial till across that phase shall be undertaken to inform the

design of the:

- **Formation & finished floor levels;**
- **Detailed drainage plans;**
- **Foundation;**
- **SuDS basins; and**
- **Flood storage basins.**

The results of the survey shall be submitted to and approved in writing by the Local Planning Authority.

- B. A foundation risk assessment for that phase shall be submitted to and approved by the LPA, supported by results of the geophysical survey and ground investigations for that phase and on-site and laboratory testing as appropriate.**

The development shall be completed in accordance with the approved details.

Reason: To ensure any necessary surveys are undertaken to ensure that the site is satisfactorily assessed and to comply with Policy HD5, SD1 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

20

Prior to any development commencing on site a Bus Service and Infrastructure Audit shall be submitted to and approved by the Local Planning Authority in writing following consultation with Local Highway Authority.

The development shall not be occupied until the approved works as listed within the Bus Service and Infrastructure Audit have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD5 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

21

Prior to any development commencing on site a Resource Audit shall be submitted to the local planning authority including the following;

- **Details of how the site excavated materials are to be managed on site;**
- **For excavated material which cannot be used on site, the proposals for movement to either an aggregate processing plant or for re-use on another development site;**
- **Details of the amount and type of construction aggregates required and their likely source;**
- **The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;**
- **The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;**
- **The type and volume of waste that the development will generate (during the construction phases);**

- Any on-site waste recycling facilities to be provided (both through the construction and operational phases);
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: In the interest of conserving and managing all available materials across the site and to ensure that the treatment and handling of any site waste is managed and co-ordinated in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SP1 of the Herefordshire Minerals and Waste Local Plan, Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 22 Development shall not begin in relation to each of the specified highways works to be undertaken at the Whitecross Roundabout and Three Elms Road vicinity until details of the relevant works 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 occupied until the scheme at Three Elms Road has been constructed in accordance with the approved details. Prior to occupation of the 25th dwelling, the scheme at Whitecross Road shall be constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD5 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

Pre-occupancy or other stage

- 23 Prior to the first occupation of any dwelling within any residential phase, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works serving each dwelling shall be carried out in accordance with the approved details prior to the occupation of that dwelling.

Reason: To address the requirements policies in relation to climate change HD5, SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework

- 24 The Off-site Active Travel Measures and mitigation as set out in condition 12 and subsequently approved by the Local Planning Authority will be practically completed and open for use prior to the occupation of the 25th dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 and HD5 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

- 25** Prior to the first occupation/use of the development hereby approved, a Travel Plan for the residential development, which contains measures to promote alternative sustainable means of transport for occupiers of and visitors to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
- The approved Travel Plan shall be implemented on the first occupation of any dwellings.
- 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 for a minimum of 10 years. 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 with the requirements of Policies HD5, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 26** Prior to the first occupation/use of the Care Home, a Travel Plan for the care home which contains measures to promote alternative sustainable means of transport for staff and visitors to the care home shall be submitted to and approved in writing by the Local Planning Authority.
- The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the care home 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 with the requirements of Policies HD5, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 27** The reserved matters applications submitted pursuant to Condition 1 relating to dwellings shall be accompanied by an Acoustic Design Statement which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met.
- The Acoustic Design Statement shall evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open) and include an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many

dwellings as possible. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health.

The approved measures for each dwelling shall be implemented before the first occupation or use of that dwellings and thereafter maintained.

Reason: In the interests of the residential amenity of future residents in accordance with policy HD5 and SD1 of The Herefordshire Core Strategy and National Planning Policy Framework.

- 28 The Remediation Scheme, as approved pursuant to condition no. 16 above, shall be fully implemented before the development is first occupied in each phase. 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.

Compliance Conditions

- 29 The approved bird nesting boxes, bat roosting features, insect habitats, hedgehog homes and hedgehog highways shall be maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies HD5, LD1, LD2 and LD3.

- 30 The reserved matters applications submitted under condition 1 relating to a residential phase shall be accompanied by 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.

The development shall be carried out in accordance with the approved details.

Reason: To ensure compliance with Policies HD5, SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 31 The flood storage areas shall be carried out in accordance with the

drawing reference A072489-2 TTE 00 ZZ PL C SK008 P09 (or any revised drawings approved by the Local Planning Authority to reflect the outcome of the geophysical survey) and in compliance with the approved excavation strategy requirements of Section 10.1 of the Tetra Tech Mitigation Plan in the relevant phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with Policies HD5, SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 32 As part of the reserved matters relating to Layout application a continuous and direct segregated footway/ cycleway (minimum of 3m in width) will provide a connection between the A4103 Roman Road and Three Elms Road through the site with connections leading directly to both the eastern site access junction and the Three Elms Road/Grandstand Road junction.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting walking and cycling and to confirm with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 33 The reserved matters applications submitted under condition 1 shall include where relevant details for the provision for open space and play areas in accordance with the standards adopted by the Local Planning Authority.

The play area and open space shall be constructed in accordance with the approved details and be completed and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason. In order to comply with the requirements of Policies HD5, OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34 All foul water shall discharge to a mains sewer connection, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with 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 HD5, SS1, SS6, SD3, SD4 and LD2.

- 35 As detailed in the Flood Risk Assessment (784-A072489-2 Rev 11) by Tetra Tech all additional surface water shall be managed by swales with an attenuated direct discharge to the Yazor Brook.

Reason: In order to comply with 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 HD5, SS1, SS6, SD3, SD4 and LD2.

- 36** **Details of any floodlighting and external lighting in each phase proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in that phase.**
- 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 Policies, LD2, HD5 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 37** **If, during development, contamination not previously identified is found to be present at the site then no further development on that part of the site (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, a remediation statement detailing how this unsuspected contamination shall be dealt with.**
- Reason: In the interests of human health and to comply with policies HD5 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 38** **The construction of the northern and eastern vehicular accesses shall be carried out in accordance with the details shown on (105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road) and 105572-T-002 (Rev G) – Proposed Site Access Arrangements – A4103 Roman Road to a gradient not steeper than 1 in 12.**
- Reason: In the interests of highway safety and to conform with the requirements of Policies HD5 and MT1 of 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, including any representations that have been received.**
- Revised documents have been submitted during the course of the application assessment 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** **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.**

- 3 A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
- 4 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.

- 5 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), 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 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 applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
- 11 In connection with the travel plan Conditions above, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.
- 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 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.dwrcvmru.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 on 0800 085 3968 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.

- 14 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 PQA Page 12 of 15 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 is advised that advice from a local professional ecology consultant is obtained.
- 15 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

There was an adjournment at 11:54 a.m.; The meeting reconvened at 12:08 p.m.

44. 251073 - AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda. A correction was provided to paragraph 2.2 of the report; the paragraph should have referred to eight (8) large classrooms and other ancillary spaces. The paragraph incorrectly quoted 13 additional classrooms.

In accordance with the criteria for public speaking, Mr Hancorn, local resident, spoke in objection to the application and Mr Molyneux-Wright, the applicant's agent, spoke in support.

In accordance with the council's constitution, a statement was read on behalf of the local ward member. He explained, that whilst there was an urgent need for school places in Herefordshire the proposal in the application should take account of the wider context to ensure it was appropriate for pupils and the local community. The area and school suffered from significant traffic and parking pressures locally; there was concern that the expansion would exacerbate these problems. It was important to confirm that the expansion of the high school aligned with the wider housing plans and development in the county. There was also concern at the recent Ofsted ratings in relation to the school and it was questioned whether this was the right location for significant capital investment. Whilst it was recognised that increasing school places was necessary, issues around access and transport and strategic planning must be fully addressed before a decision was made.

The committee debated the application:

- There had been a number of concerns raised regarding the process followed for the application and clarity was requested that due process had been followed.
- The application proposed a substantial building in an open space but it was acknowledged that the building was located within the context of other educational buildings therefore was not out of keeping;
- The proposed building was at a significant distance from neighbouring properties and there was screening of the building by trees on the site boundaries. Verification was requested the trees would be retained on the southern boundary to maintain screening at this location.
- It was noted that additional parking was proposed as part of the application; the active travel measures to access the school were welcomed and it was hoped would discourage car travel to the site.
- The provision of solar panels on the roof of the proposed building was welcomed.
- The loss of playing fields was regretted but new sports facilities were proposed as part of the application which would also be accessible to the local community.

The development manager provided the following clarification:

- the application was a public finance initiative (PFI) application which had a shorter determination date and a shorter consultation period. However, revised plans for the application had been subject to a 21 day consultation which was beyond the requirements in the PFI legislation.
- It was confirmed that there was no intention to remove trees from the boundaries around the building and a condition was imposed on the permission to protect trees on the site.

Councillor Stef Simmons proposed and Councillor Richard Thomas seconded a motion that the application be approved in accordance with the case officer's recommendation. The motion was put to the vote and carried by a simple majority.

RESOLVED:

RECOMMENDATION : That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional conditions considered necessary by officers under the scheme of delegation, and subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.

STANDARD 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. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below, and the schedule of materials listed thereon.

- Existing Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0511_P01 (March 2025)
- General Arrangement Floor Plan Level 00: BLMS0601-AHR-31-N00-D-A0510-P01 (March 2025)
- General Arrangement Floor Plan Level 01: BLMS0601-AHR-31-N01-D-A0511-P01 (March 2025)
- General Arrangement Floor Plan Level R1: BLMS0601-AHR-31-NR1-D-A0512-P01 (March 2025)
- Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0510-S2-P04 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0517-S2-P04 (September 2025)
- Proposed Site Landscape Masterplan: BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0540-S4-P04 (September 2025)
- Site Hard Landscape Details: BLMS0601-AHR-30-ZZZ-D-L-0550-S2-P03 (September 2025)
- Proposed Detailed Vehicle Access Loop: BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 (September 2025)
- Proposed Detailed Vehicle Access Rear Carpark: BLMS0601-AHR-30-ZZZ-D-L-0526-S2-P02 (September 2025)
- School Secure Line: BLMS0601-AHR-30-ZZZ-D-L-0530-S2-P02 (September 2025)
- General Arrangement Building Elevations: BLMS0601-AHR-32-NZZ-D-A-0520-S2-P04 (September 2025)
- General Arrangement Building Sections 01: BLMS0601-AHR-33-NZZ-D-A-0530-S2-P03 (September 2025)
- General Arrangement Building Sections 02: BLMS0601-AHR-33-NZZ-D-A-0531-S2-P04 (September 2025)
- General Arrangement Building Sections 03: BLMS0601-AHR-33-NZZ-D-A-0532-S2-P03 (September 2025)
- General Arrangement Building Sections 04: BLMS0601-AHR-33-NZZ-D-A-0533-S2-P04 (September 2025)
- Landscape Specification: BLMS0601-AHR-10-LZZ-T-L-0610-P01 (June 2025)
- Site Landscape Existing External Plan and Social Provision: BLMS0601-AHR-30-ZZZ-D-L-9003_P02 (June 2025)
- Site Landscape Plan Detailed: BLMS0601-AHR-30-ZZZ-D-L-9010_P02 (June 2025)
- Site Landscape Access Strategy Vehicles: BLMS0601-AHR-30-ZZZ-D-L-9020_P02 (June 2025)
- Site Landscape Tree Removal & Protection Plan: BLMS0601-AHR-30-ZZZ-D-L-9030_P02 (June 2025)

- Site Landscape Bird Nesting & Bat Roosting Box Location: BLMS0601-AHR-30-ZZZ-D-L-9035_P01 (June 2025)
- Site Landscape Levels: BLMS0601-AHR-30-ZZZ-D-L-9040_P01 (June 2025)
- Site Landscape Setting Out – Kerbs & Edges: BLMS0601-AHR-30-ZZZ-D-L-9045_P01 (June 2025)
- Site Landscape Setting Out – Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9047_P01 (June 2025)
- Site Landscape Setting Out – Tree Planting: BLMS0601-AHR-30-ZZZ-D-L-9048_P01 (June 2025)
- Site Soft Landscape Planting Plan: BLMS0601-AHR-30-ZZZ-D-L-9050_P02 (June 2025)
- Site Soft Landscape Planting Plan Details: BLMS0601-AHR-30-ZZZ-D-L-9052_P02 (June 2025)
- Site Landscape Top Soil Plan: BLMS0601-AHR-30-ZZZ-D-L-9054_P01 (June 2025)
- Site Landscape Mulching Plan: BLMS0601-AHR-30-ZZZ-D-L-9055_P01 (June 2025)
- Site Landscape Detail Planting Location Plan: BLMS0601-AHR-30-ZZZ-D-L-9056_P01 (June 2025)
- Site Landscape Detail Planting Plans 1 of 3: BLMS0601-AHR-30-ZZZ-D-L-9057_P01 (June 2025)
- Site Landscape Detail Planting Plans 2 of 3: BLMS0601-AHR-30-ZZZ-D-L-9058_P01 (June 2025)
- Site Landscape Detail Planting Plans 3 of 3: BLMS0601-AHR-30-ZZZ-D-L-9059_P01 (June 2025)
- Site Hard Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-9060_P02 (June 2025)
- Site Hard Landscaping Details Kerb Edges Plan: BLMS0601-AHR-30-ZZZ-D-L-9061_P02 (June 2025)
- Site Hard Landscaping Details Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9064_P02 (June 2025)
- Site Hard Landscaping Details Cycle Store: BLMS0601-AHR-30-ZZZ-D-L-9065_P01 (June 2025)

Reason: To define the terms of the permission and ensure the development is carried out as approved.

PRIOR TO COMMENCEMENT

3. Surface Water Drainage

No development shall commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained from the relevant third-party landowners to allow for the construction and maintenance of the proposed surface water drainage connection to the public sewer in Whittern Way. The drainage shall be implemented in full accordance with the submitted and approved details BLMS0601-HYD-52-NXX-D-C-7010 P05 & BLMS0601-HYD-52-NXX-D-C-7011 P05 and made available prior to first use of the development.

Reason: To ensure a satisfactory means of surface water drainage and to prevent flooding, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

4. Contamination

Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include

details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.

Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. 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.

COMPLIANCE/ CONSTRUCTION PERIOD

5. Arboricultural Compliance

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans, for the duration of the construction period?

:

- Arboricultural Method Statement – Origin Environmental – 240314_24014_AMS_V1 – September 25
- Tree Retention and Removals Plan – Origin Environmental – 240314_24014_TRRP_V2a_OE-003 – September 2025
- Tree Protection Plan – Origin Environmental – 240314_24014_TPP_V2a_OE-004 – September 2025

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.

6. CEMP Compliance

The development hereby permitted shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) Revision 05, dated October 2025, including all appendices and referenced ecological method statements. The measures contained within the CEMP shall be implemented and adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area, protect biodiversity, and ensure the development is carried out in an environmentally responsible manner, in accordance with Policies SD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

PRIOR TO FIRST USE/OCCUPATION

7. Parking, Drop-off, and Cycle Storage

Prior to first use of the development hereby approved, the parking, drop-off, and cycle storage facilities shown on the approved plans (BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 and BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05) shall be provided and made available for use. These facilities shall be retained thereafter.

Reason: To ensure adequate parking and promote sustainable travel, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

8. School Travel Plan

Prior to first use of the development hereby approved, an updated School Travel Plan, including the establishment and ongoing operation of a School Travel Plan Steering Group, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved and monitored for a minimum of five years.

Reason: To promote sustainable travel and reduce congestion, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

9. Acoustic Design Compliance

All recommendations outlined in Acoustic Design Report ref.BLMS0601-HYD-10-ZZ-T-AC-0001, dated 6th March 2025, shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained.

Reason: In order to protect the amenity of the area and future users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

10. Community Use Agreement (CUA)

Prior to first use of the development hereby approved, a Community Use Agreement (CUA) prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The CUA shall include, but may not be limited to details of hours of use, management, pricing, and access arrangements. The approved CUA shall be implemented upon first use and adhered to thereafter.

Reason: To secure community access to the facility, in accordance with Policy SC1 and the National Planning Policy Framework.

COMPLIANCE/OPERATIONAL

11. Reinstatement post construction works

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, materials shall be removed from the site and the land shall be reinstated in accordance with a restoration scheme submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include:

- A condition survey of the affected playing field and/or MUGA prior to commencement of reinstatement works;
- Details of reinstatement to at least equivalent quality;
- A timetable for completion of restoration works (including a growing-in period for grassed areas).

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy and Paragraph 104 of the National Planning Policy Framework.

12. Landscape Implementation

The development hereby permitted shall be carried out in full accordance with the approved Landscape Masterplan (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0520, Rev P05), Soft Landscape Layout (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0540, Rev P04), and Landscape Specification (ref: BLMS0601-AHR-10-LZZ-T-L-0610, P01) and related landscape details approved at Condition 2, or any subsequent details approved in writing by the Local Planning Authority. All planting, seeding, and turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion or first occupation of the development, whichever is sooner.

Reason: To ensure the satisfactory appearance of the development and to enhance biodiversity, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

13. External Lighting Compliance

The development hereby permitted shall be carried out in full accordance with the approved external lighting plan (drawing ref: BLMS0601-HYD-55-Z00-D-ME-7001, Revision P05, by Stantec). No external lighting shall be installed except in accordance with the approved details. Any future external lighting must be designed to avoid adverse impacts on habitats and protected species, and details shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect habitats and species, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Surface Water Discharge Rate

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 1.4 l/s.

Reason: To prevent hydraulic overloading of the public sewerage system and protect the environment.

15. Site Compound Removal

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, and materials shall be removed from the site. The land shall be reinstated to its former condition or in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy.

16. Landscape Maintenance

All planting, seeding, or turfing carried out as part of the approved landscaping scheme shall be maintained for a period of five years from the date of planting. Any trees, plants, or areas of seeding/turfing which, within this period, are removed, die, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful establishment and long-term retention of the approved landscaping, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVES:

1. This permission will not be issued until the application has been referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.
2. The applicant is advised that some conditions attached to this permission require the submission and approval of details prior to commencement of development. Failure to comply with these conditions may render the development unlawful.
3. The applicant is reminded of their legal obligations under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If protected species are encountered during development, works must cease and advice sought from a qualified ecologist.

There was an adjournment at 12:52 p.m.; The meeting reconvened at 12:55 p.m.

45. 252087 - THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

Councillor Bruce Baker acted as the local ward member for the application below.

In accordance with the criteria for public speaking Mr Burge, spoke on behalf of Pencombe Parish Council, and Mr Haslam and Mr Lewis spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application had generated a significant number of objections and the public house was viewed as an important element of the local community. It was unfortunate that the community benefit society had agreed a price for the purchase of the pub which had been subject to an increase. The asking price for the pub was felt to be above inflation and above market value and the committee were asked to decline the application.

The committee debated the application. It was considered that the village pub was the heart of the community and such community assets were vital to the health of local communities in rural areas. It was noted that there were a number of local customers and the pub was felt to be a viable commercial enterprise.

Councillor Stef Simmon proposed and Councillor Peter Hamblin seconded a motion that the application be refused in accordance with the case officer's recommendation. The motion was put to the vote and was carried unanimously.

RESOLVED:

That planning permission be refused for the following reasons:

1. The proposal would result in the loss of a public house which is a valued community facility. Insufficient evidence has been provided to demonstrate that that there is an appropriate alternative facility available, that the facility is no longer required, unviable, or no longer fit for purpose, and that adequate marketing of the

property at a realistic price has been carried out. As such, the proposal is contrary to Policy SC1 and RA6 of the Herefordshire Local Plan – Core Strategy, and Paragraph 88, 96, and 98 of the National Planning Policy Framework.

46. APPENDIX - COMMITTEE UPDATES - 19 NOVEMBER 2025 (PAGES 29 - 62)

The meeting ended at 1.20 pm

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 19 November 2025

10.00 am

Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE

Schedule of Updates

Public Speakers

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PLANNING COMMITTEE

Date: 19 NOVEMBER 2025

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

222138 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, EXCEPT ACCESS, FOR THE FIRST PHASE OF AN URBAN EXTENSION COMPRISING UP TO 350 HOMES (USE CLASS C3); AND A CARE HOME (USE CLASS C2), PARK & CHOOSE INTERCHANGE; TOGETHER WITH OPEN AND PLAY SPACE, LANDSCAPING, INFRASTRUCTURE AND ASSOCIATED WORKS AT LAND AT THREE ELMS, NORTH EAST QUARTER, TO THE NORTH EAST OF HUNTINGTON AND BOUNDED, BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HR4 7RA

For: The Church Commissioners for England per Miss Tara Johnston, The Minster Building, 21 Mincing Lane, London, EC3R 7AG

ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report the following 7 additional representation received from members of the public

1. Comment

I am writing to object to planning application 222138 for development at Land at Three Elms, Hereford. Although I do not live immediately adjacent to the site, I am a Herefordshire resident and this major scheme will have significant cumulative impacts on the environmental quality, transport network, and public services used by residents across the county.

Below are my reasons for objection, based on material planning considerations.

1. Transport, Traffic and Highway Safety

This development proposes up to 350 new homes, in addition to a care home and associated facilities. This scale of expansion will significantly increase traffic movements on the already-congested route corridors into Hereford, including the A4110, Three Elms Road, Grandstand Road and Yazor Road.

The Hereford Western Bypass / Relief Road, originally expected to support this strategic growth area, is currently paused. Without this critical infrastructure, the traffic assumptions made in the Transport Assessment are out of date and cannot be relied upon.

The result will be:

- Increased congestion
- Greater travel times into/out of the city
- Higher emissions and poorer air quality
- Greater pressure on rural roads used as “rat-runs”, affecting villages including Credenhill, Canon Pyon, Norton Canon and other rural routes

This is contrary to the principles of NPPF para. 110–113, which require safe and suitable access and avoidance of severe residual impacts.

2. Prematurity & Incomplete Infrastructure Strategy

The site is part of the Western Urban Expansion (Policy HD5) which requires careful, comprehensive delivery of:

- Highway infrastructure
- Utilities
- Public transport improvements
- Open space
- A primary school
- A neighbourhood centre

However, this application is piecemeal and does not demonstrate a realistic, enforceable strategy to deliver the necessary infrastructure upfront. Without a confirmed bypass or wider transport improvements, approving this scheme now is premature and could result in isolated, poorly-served development.

3. Pressure on Schools, Healthcare and Local Services

- Hereford already experiences difficulty with:
- GP appointment availability
- Long waiting times for NHS services
- School capacity pressures in certain catchments

An additional 350+ homes, plus a care home, will add substantially to this burden. No firm, deliverable mitigation is secured at this stage. This is contrary to NPPF para. 20 & 95, which require adequate social infrastructure to be planned and provided.

4. Environmental Impact, Loss of Greenfield Land & Biodiversity Concerns

The site comprises valuable agricultural landscape and greenfield land. Developing this area will result in:

- Loss of natural habitat
- Reduction in biodiversity
- Increased pollution
- Urbanisation of a rural-edge landscape that currently provides ecological value

The Environmental Impact Assessment does not convincingly demonstrate that ecological loss will be compensated or that biodiversity net gain will be delivered in a meaningful way.

This conflicts with NPPF para. 174 & 180, requiring protection and enhancement of the natural environment.

5. Drainage, Surface Water & Flood Risk

Large-scale greenfield development substantially increases runoff. The application relies heavily on unproven or incomplete mitigation measures, and it is unclear whether the drainage strategy could cope with prolonged heavy rainfall events. This represents a potential risk to downstream communities and contradicts NPPF para. 159–169 on managing flood risk.

6. Design, Density & Landscape Impact

The local plan expects a “sensitive and integrated” urban expansion under Policy HD5. However:

- The scheme risks creating a hard urban edge without appropriate landscape buffering.

- The density and layout information submitted at outline stage is vague and fails to demonstrate a high quality, well-integrated design.
- The landscape harm is underestimated.
- This large estate will permanently alter the character of the area.

7. Phasing and Deliverability

There is concern that:

- Only housing will be built initially
- Infrastructure may be delayed, reduced or never delivered
- Future phases may be altered via viability claims reducing affordable housing or community benefits. This risk is well-documented in other major UK developments and should be considered here.

Conclusion

For the reasons outlined above — including traffic impacts, lack of infrastructure, environmental harm, flooding concerns, and non-compliance with Local Plan Policy HD5 — I respectfully request that planning application 222138 is refused.

Should the council be minded to approve, I request that strong, enforceable conditions and

Section 106

obligations be applied to guarantee:

- Infrastructure delivery in advance of occupation
- Full affordable housing quota (35%)
- Significant green infrastructure
- Road and junction improvements
- Biodiversity net gain
- Sustainable drainage systems
- Independent monitoring of traffic and environmental impacts

Thank you for considering my objection.

2: Comment

A planning application for this area has been put forward several times now.

My concerns are the amount of extra traffic that will be generated onto Three Elms Road and therefore onto Whitecross roundabout. There are 2 schools in close proximity and at pick up times there is already considerable congestion in and out of Bonnington Drive and along Three Elms Road as parents park to pick up children. Whitecross roundabout is already like a race track with 5 exits close together and no traffic lights. Finally there is the impact on the already overstretched local services such as school places and appointments at doctors.

There are already several housing developments in the area, with houses still being built or unsold. I do not agree with this development

3: Comment

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19th Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
2. How will the 'Natural Corridor for wild life' already in place be protected during and following the 'Build'.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local 'catchment area'?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as 'Affordable' and will that include 'Council' Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the 'area' (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be 'free' like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially 'The Area' in question.

4: Comment

I am here today to highlight the risks of granting approval to phase one of a major urban expansion before the technical data from both geophysical surveying and detailed hydraulic modelling of the commercial aquifer are completed.

I speak with some authority as a retired chartered geological engineer with decades of experience. I have professional experience on risk analysis of major development projects involving excavations and the important details included in consultant's disclaimers, who deftly absolve themselves of all responsibility, in the event of severe flooding or pollution, by disclaimers.

I wish to highlight two key elements that are missing from the data sets that render the flood risk analysis and risk of pollution to the aquifer as both premature and incomplete.

The flood risk analysis prepared by consultants Tetra Tech uses a new hydraulic model, based only on the Yazor Brook, excluding the groundwater flows from the new developments to the north of this development site and those north of Hereford city. Their report states they assume the catchment is un-metred despite decades of data from the gauge at Three Elms that records and displays daily water levels, and the abstraction well data which would allow more accurate flow calculations.

The flood risk analysis presented illustrates that the development will not increase flooding in the city, but it lacks new data of the increased flows from the North of the city along the Ayles brook that gave rise to increased flooding following similar housing developments. Is this incomplete flood risk analysis acceptable to the committee without an expert and independent review?

The commercial aquifer that underlies the development site is defined by the Environment Agency as the statutory body appointed to protect all the nation's water supplies. Why would this committee permit development over the commercial aquifer before the source protection zones are fully defined by the statutory body?

I ask this committee if it is correct to abrogate their responsibility for all future scrutiny by themselves and the elected officials of this county by handing all future key decisions on design and placement of infrastructure on site, without first seeking a fully independent risk analysis of

increased city flooding and potential loss of commercial aquifers through pollution during construction and habitation?

5: Comment:

I object to this outline planning application and urge the Committee to REFUSE or DEFER determination. The proposal contains five material deficiencies that breach statutory duties, national policy (NPPF 2024), and the Herefordshire Core Strategy 2011–2031, preventing lawful determination.

1. **BREACH OF HABITATS REGULATIONS 2017 (REGULATION 63) Requirement:**
The LPA may only grant permission if it has ascertained—beyond reasonable scientific doubt—that the proposal will not adversely affect the integrity of the River Wye SAC (Reg. 63; Waddenzee C-127/02). Evidence: · Environment Agency Source Protection Zone (SPZ) modelling is “ongoing” and incomplete (Officer’s Report para 7.4). · March 2025 EA surface water mapping reveals new potential pollution pathways to Yazor Brook not assessed in the June 2024 Appropriate Assessment. · Natural England’s “no objection” is expressly conditional upon mitigation being “appropriately secured” (para 7.3), yet essential mitigation cannot be specified until SPZ modelling is complete. · Condition 15 defers excavation strategy post-permission, dependent on future SPZ extents. Consequence: The Appropriate Assessment conclusion of “no adverse effect” is premature and not based on complete scientific knowledge. Approval would breach Regulation 63 and the principle in *Champion [2015] UKSC 52* that mitigation must be certain before permission is granted.
2. **FLOOD RISK EXCEPTION TEST NOT MET (NPPF PARAS 167, 172, 180) Requirement:**
Para 167: development must be “safe for its lifetime”. · Para 172: development “should not increase flood risk elsewhere.” · Para 180: Exception Test must be reapplied when “more recent information” on flood risk becomes available. Evidence: · March 2025 EA mapping identifies new medium/high-risk surface water flow paths across the developable area. · Exception Test applied by officers (paras 9.125–135) relies solely on June 2024 data—no re-assessment undertaken. · Drainage strategy design is incomplete and dependent on outstanding SPZ data (Conditions 13, 15). · Lead Local Flood Authority confirms drainage will require “detailed technical review at Reserved Matters” (paras 7.36–37). Consequence: The Committee lacks evidence to discharge para 167 (“safe for lifetime”) and para 172 (“no increase in flood risk”). Under *Milgate [2015] EWHC 2375*, FRAs must resolve fundamental risks at outline stage, not defer solutions to conditions. The Committee also lacks the “full knowledge” required under the EIA Regulations 2017.
3. **UNRESOLVED TRANSPORT SAFETY RISKS (NPPF PARAS 110, 116) Requirement:**
Para 110: development must create safe places and prioritise walking/cycling. · Para 116: refusal is justified where the proposal has an unacceptable impact on highway safety. Evidence – Road Safety Audit Stage 1 (June 2025): Three problems classified as “Not Resolved”: · 2.3 – Bus kerb overruns at mini-roundabout · 2.4 – Signal confusion at Toucan crossing · 2.6 – Abrupt cycle lane termination forcing cyclists into traffic Mitigation is: · Not secured by conditions; · Not included in S106 or S278; · Not resolved between Designer and Auditor. Local Highway Authority removed objection only following a £1.95m off-site contribution, implicitly acknowledging on-site access problems. Consequence: Independent professional evidence identifies material, unresolved safety risks. Reserved Matters cannot lawfully remedy safety defects at outline stage. Approval would be irrational (*Keep Wythenshawe Special [2023]*) and contrary to NPPF 110, 116 and Policy MT1.
4. **AFFORDABLE HOUSING SHORTFALL WITHOUT VIABILITY JUSTIFICATION (POLICIES HD1, HD5) Requirement:** · HD5 requires 35% affordable housing: 123 units. · HD1 allows reductions only with independently verified viability evidence. Evidence: · S106 provides 27% on-site (95 units) — 8% below policy. · 1.6-acre care home site transferred for £1, with no affordability covenant, no delivery timeframe, and no reversion clause. · No viability appraisal submitted. Legal concerns: · Land transfer >£800,000 value for £1 risks being ultra vires under s.123 LGA 1972. · Arrangement fails NPPF para 58 and CIL Reg

122(2): not “fairly and reasonably related in scale and kind”. · If the care home is not delivered as affordable accommodation, effective provision remains 27%, in direct conflict with HD5. Consequence: Development plan conflict not justified by material considerations. The arrangement is legally vulnerable (Persimmon [2012]).

5. UNMITIGATED HERITAGE HARM (S.72 LBCA 1990; NPPF PARAS 212–215) Statutory duty: Under s.72, decision-makers must give “special attention” and “considerable importance and weight” (Barnwell Manor). Evidence: · Building Conservation Officer identifies specific areas of harm to the Huntington Conservation Area (para 7.19). · Officer’s Report accepts “moderate” less-than-substantial harm (paras 9.68, 9.72, 9.208). · The only mitigation—Condition 9—defers all landscaping to Reserved Matters with no enforceable parameters (buffer widths, planting specifications, density reductions, or building set-backs). Critical issue: There is no evidence that alternatives to reduce or avoid harm were explored, breaching the Barnwell requirement to consider avoidance before applying NPPF para 215. Public benefits are overstated: · Housing delivery on allocated land = policy compliance, not a “benefit” (Forge Field). · 27% affordable housing = deficit, not benefit. · Park & Choose = HD5 policy requirement. Consequence: S.72 duty not discharged; NPPF para 215 balance incorrectly struck; conflict with LD4 and HD5. These five deficiencies individually and cumulatively prevent lawful determination. Approving the application would: · Breach statutory duties (Habitats Regulations; s.72 LBCA) · Contradict mandatory national policy (NPPF paras 110, 116, 167, 172, 180, 212–215) · Conflict with Development Plan policies (SD3, SD4, MT1, HD1, HD5, LD4) · Expose the Council to a high risk of successful Judicial Review RECOMMENDATION REFUSE planning permission. Alternatively, DEFER pending: 1. Completion of EA SPZ modelling and updated Appropriate Assessment 2. Revised FRA and Exception Test addressing March 2025 mapping 3. Resolution and secured mitigation of all RSA safety issues 4. Independently verified viability appraisal or revised S106 with enforceable affordability 5. Heritage mitigation strategy with enforceable design parameters

6 Comment:

I strongly object to the above application. The Officer’s Report (OR) recommending approval contains fundamental errors in its application of national policy and law. The proposal is premature, fails to protect heritage assets, and is supported by an unsound S106 agreement. For the reasons below, the Committee must refuse this application.

GROUND 1: PREMATURITY, FLOOD RISK & INCOMPLETE ENVIRONMENTAL INFORMATION (NPPF 170– 182; EIA & Habitats Regulations 2017) The application is legally premature. The OR concedes that the Environment Agency’s (EA) critical Source Protection Zone (SPZ) modelling is outstanding (OR 7.4) and defers the excavation strategy via Condition 15. This renders the Committee unable to lawfully conclude that: o The Exception Test (NPPF 178) is passed, as it cannot be certain the development is “safe for its lifetime without increasing flood risk elsewhere”. o The Habitats Regulations Assessment is complete, as the “no adverse effect” conclusion on the River Wye SAC cannot be reached with scientific certainty without the SPZ data. o The Environmental Statement is adequate, as the Committee is being asked to grant permission without full knowledge of a significant environmental effect, contrary to the EIA Regulations. Approval under these circumstances would be a clear legal error. The application must be refused on this ground.

GROUND 2: FAILURE TO PROTECT HERITAGE ASSETS (NPPF 202–221; s.72 Planning (Listed Buildings and Conservation Areas) Act 1990) The OR identifies “less than substantial harm” to the Huntington Conservation Area but fails to secure its mitigation. o The Council’s Building Conservation Officer (BCO) identified specific harms (OR 7.19): Loss of open aspect west of Newcourt Farm. Urban encroachment north of Huntington Lane.

The proposed Condition 9 (Landscaping) is a generic condition, entirely unsuited to address these specific heritage impacts. The harm therefore remains unmitigated. Consequently: o The Committee would be in breach of its statutory duty under s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay “special attention” to preserving or enhancing the Conservation Area. o The NPPF 215 balancing exercise is flawed, as the full weight of the unmitigated harm was not considered against the public benefits. The application must be refused on this ground.

GROUND 3: POOR PLANNING OUTCOME & UNSOUND S106 AGREEMENT (NPPF 58) The S106 agreement is unsound and results in a poor planning outcome: o It secures a certain loss (reduction of on-site affordable housing from 35% to 27%).

o In exchange for a speculative gain (land transfer for an unsecured care home). This fails the tests of soundness in NPPF 58, as it is not “fairly and reasonably related in scale and kind to the development”, especially given Herefordshire’s acute housing land supply shortfall (3.11 years – OR 9.6).

The application must be refused on this ground. **CONCLUSION & RECOMMENDATION** For the compelling reasons set out above, this application is: o Unsound (premature, heritage harm, poor

7 Comment

Dear Planning and Regulatory Committee, Re Application 222130.

I have addressed this to your 'Chair', as I will be unable to attend the meeting on 19th Nov, as invited, due to other commitments.

There are a few points I would like the Committee to consider and perhaps address, which I would have if able to attend:

1. What 'Flood Alleviation Planning has or will be put in place. The area concerned 'Floods' on a regular basis.
2. How will the 'Natural Corridor for wild life' already in place be protected during and following the 'Build'.
3. What plans are in place for the additional demand on Health Services, especially the Hospital, GP, Dental and Ambulance Service?
4. What plans are in place for Educational Service and the local 'catchment area'?
5. Will there be a moratorium on who is eligible for the Housing, to benefit those who already live in or work in Hereford?
6. Will The Housing cover all age groups?
7. What does one class as 'Affordable' and will that include 'Council' Housing? As many local residents are lower paid. Or will that encourage an increase in the population from outside the 'area' (Hereford/shire).
8. Will there be sufficient Transport services; Bus, at present reduced after 6pm and weekends. Plus improved road network in and around Hereford. How frequent will be the park and choose interchange service and will it cost to park/use public transport, or will it be 'free' like the Zipper?

This should take possibly 3 mins to read and concerns many who live in Hereford and especially 'The Area' in question.

Photograph inserted below at request from Public Speaker (Mr Hull)



Three Elms Road

OFFICER COMMENTS

The representations raise no new material planning considerations which are discussed within the officer's report.

As a point of clarification within the committee report and within the Heads of Terms set out at Para 9.191 it states that the developer would provide 27% on site affordable housing and that the figure was reduced from 35% to take into account the 1.6 acres of Care Home land which equates to 24 dwellings. This position has been agreed with the housing officer. Paragraph 9.160 reports a different position which is incorrect.

S106). o Unlawful in parts (breach of Habitats Regs, s.72 LBCA 1990). o Contrary to the public interest. The Committee is urged to REFUSE planning permission.

Education Team:

An email from the Council's education team sent on the 14 November to the Planning Obligations Manager has been shared with the Planning case officer:

I understand that plans for 350 houses at Three Elms is going to Planning Committee next week and is recommended for approval.

It is understood that in the draft s106 agreement contributions would be for the following schools: Hereford Early Years, Trinity Primary School, St Francis Xaviers Roman Catholic Primary School, Whitecross High School, St Mary's Catholic School, Hereford Youth and Special Education Needs schools. It has however been noted that Stretton Sugwas C of E Academy is not included in the wording despite a small section of the site being in the Stretton Sugwas catchment.

OFFICER COMMENTS

As such, officers have liaised with the Planning Obligations Manager and they have confirmed there is scope to add Stretton Sugwas Primary School into the benefactor schools for the section 106 contributions.

NO CHANGE TO RECOMMENDATION

251073 - PROPOSED TWO-STOREY EDUCATIONAL BUILDING WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY

For: Herefordshire Council per Mr Gareth Hooper, 11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ

ADDITIONAL CONSULTATION RESPONSES/ REPRESENTATIONS

HC Environmental Health (Noise) – no further comments.

HC Watse & Recycling – no objection.

Since the publication of the agenda and Committee Report, one further written representation has been received and is attached at **Appendix 1** of this schedule of updates.

OFFICER COMMENTS

- As a point of clarification, and notwithstanding the comments provided by the Built Environment Team (Building Conservation), it is noted that the western extremity of the application site falls within the Aylestone Hill Conservation Area. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposed development is sited well within the school grounds, away from the conservation area boundary, and does not introduce built form or alterations which would be considered to materially impact upon, the character or appearance of the conservation area. As such, it is concluded that the proposal would preserve the character and appearance of the Aylestone Hill Conservation Area and accords with the statutory duty under s.72(1) of the Act.
- Some minor changes to the wording of conditions has been made, and the full list of approved plans has been inserted to Condition 2. The revised schedule of conditions is shown at **Appendix 2**.
- The applicant has submitted additional information in an attempt to satisfy the requirements of Condition 4 (Contamination), specifically through a Ground Gas Protection System Verification and Strategy Plan. Due to the late submission of this material, the Local Planning Authority has not had sufficient time to review it with input from the Council's Environmental Health Team. Accordingly, it is recommended that Condition 4 remains unchanged at this stage. However, should Members resolve to approve the application in line with the officer recommendation, the condition could be amended following a review of the submitted information by Environmental Health during the 21-day Secretary of State referral period.
- The further written representation following the publication of the agenda and officer report. It is not considered to raise any new material planning considerations that are not already identified and assessed, as set out within the report.

Updated Recommendation: That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional

conditions considered necessary by officers under the scheme of delegation, and subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.

Appendix 1 – Updated schedule of conditions – application 251073 – Aylestone High School

RECOMMENDATION : That planning permission be granted subject to the conditions listed, together with any subsequent amendments or additional conditions considered necessary by officers under the scheme of delegation, and subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021, due to the statutory objection from Sport England.

STANDARD 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. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below, and the schedule of materials listed thereon.

- Existing Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0511_P01 (March 2025)
- General Arrangement Floor Plan Level 00: BLMS0601-AHR-31-N00-D-A0510-P01 (March 2025)
- General Arrangement Floor Plan Level 01: BLMS0601-AHR-31-N01-D-A0511-P01 (March 2025)
- General Arrangement Floor Plan Level R1: BLMS0601-AHR-31-NR1-D-A0512-P01 (March 2025)
- Site Plan: BLMS0601-AHR-30-ZZZ-D-L-0510-S2-P04 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0517-S2-P04 (September 2025)
- Proposed Site Landscape Masterplan: BLMS0601-AHR-30-ZZZ-D-L-0520-S2-P05 (September 2025)
- Proposed Soft Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-0540-S4-P04 (September 2025)
- Site Hard Landscape Details: BLMS0601-AHR-30-ZZZ-D-L-0550-S2-P03 (September 2025)
- Proposed Detailed Vehicle Access Loop: BLMS0601-AHR-30-ZZZ-D-L-0525-S2-P02 (September 2025)
- Proposed Detailed Vehicle Access Rear Carpark: BLMS0601-AHR-30-ZZZ-D-L-0526-S2-P02 (September 2025)
- School Secure Line: BLMS0601-AHR-30-ZZZ-D-L-0530-S2-P02 (September 2025)
- General Arrangement Building Elevations: BLMS0601-AHR-32-NZZ-D-A-0520-S2-P04 (September 2025)
- General Arrangement Building Sections 01: BLMS0601-AHR-33-NZZ-D-A-0530-S2-P03 (September 2025)
- General Arrangement Building Sections 02: BLMS0601-AHR-33-NZZ-D-A-0531-S2-P04 (September 2025)
- General Arrangement Building Sections 03: BLMS0601-AHR-33-NZZ-D-A-0532-S2-P03 (September 2025)
- General Arrangement Building Sections 04: BLMS0601-AHR-33-NZZ-D-A-0533-S2-P04 (September 2025)
- Landscape Specification: BLMS0601-AHR-10-LZZ-T-L-0610-P01 (June 2025)
- Site Landscape Existing External Plan and Social Provision: BLMS0601-AHR-30-ZZZ-D-L-9003_P02 (June 2025)
- Site Landscape Plan Detailed: BLMS0601-AHR-30-ZZZ-D-L-9010_P02 (June 2025)

- Site Landscape Access Strategy Vehicles: BLMS0601-AHR-30-ZZZ-D-L-9020_P02 (June 2025)
- Site Landscape Tree Removal & Protection Plan: BLMS0601-AHR-30-ZZZ-D-L-9030_P02 (June 2025)
- Site Landscape Bird Nesting & Bat Roosting Box Location: BLMS0601-AHR-30-ZZZ-D-L-9035_P01 (June 2025)
- Site Landscape Levels: BLMS0601-AHR-30-ZZZ-D-L-9040_P01 (June 2025)
- Site Landscape Setting Out – Kerbs & Edges: BLMS0601-AHR-30-ZZZ-D-L-9045_P01 (June 2025)
- Site Landscape Setting Out – Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9047_P01 (June 2025)
- Site Landscape Setting Out – Tree Planting: BLMS0601-AHR-30-ZZZ-D-L-9048_P01 (June 2025)
- Site Soft Landscape Planting Plan: BLMS0601-AHR-30-ZZZ-D-L-9050_P02 (June 2025)
- Site Soft Landscape Planting Plan Details: BLMS0601-AHR-30-ZZZ-D-L-9052_P02 (June 2025)
- Site Landscape Top Soil Plan: BLMS0601-AHR-30-ZZZ-D-L-9054_P01 (June 2025)
- Site Landscape Mulching Plan: BLMS0601-AHR-30-ZZZ-D-L-9055_P01 (June 2025)
- Site Landscape Detail Planting Location Plan: BLMS0601-AHR-30-ZZZ-D-L-9056_P01 (June 2025)
- Site Landscape Detail Planting Plans 1 of 3: BLMS0601-AHR-30-ZZZ-D-L-9057_P01 (June 2025)
- Site Landscape Detail Planting Plans 2 of 3: BLMS0601-AHR-30-ZZZ-D-L-9058_P01 (June 2025)
- Site Landscape Detail Planting Plans 3 of 3: BLMS0601-AHR-30-ZZZ-D-L-9059_P01 (June 2025)
- Site Hard Landscape Layout: BLMS0601-AHR-30-ZZZ-D-L-9060_P02 (June 2025)
- Site Hard Landscaping Details Kerb Edges Plan: BLMS0601-AHR-30-ZZZ-D-L-9061_P02 (June 2025)
- Site Hard Landscaping Details Street Furniture: BLMS0601-AHR-30-ZZZ-D-L-9064_P02 (June 2025)
- Site Hard Landscaping Details Cycle Store: BLMS0601-AHR-30-ZZZ-D-L-9065_P01 (June 2025)

Reason: To define the terms of the permission and ensure the development is carried out as approved.

PRIOR TO COMMENCEMENT

3. Surface Water Drainage

No development shall commence until written evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the necessary permissions or rights have been obtained from the relevant third-party landowners to allow for the construction and maintenance of the proposed surface water drainage connection to the public sewer in Whittern Way. The drainage shall be implemented in full accordance with the submitted and approved details BLMS0601-HYD-52-NXX-D-C-7010 P05 & BLMS0601-HYD-52-NXX-D-C-7011 P05 and made available prior to first use of the development.

Reason: To ensure a satisfactory means of surface water drainage and to prevent flooding, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

4. Contamination

Development shall not commence until full design details and a full written technical specification of the soil gas protection scheme has been submitted to and approved in writing by the local planning authority. This plan should include details of the means by which the gas protection measures will be independently validated together with a site specific validation plan for the implementation and validation of gas protection measures.

Upon completion of the agreed works, validation documentation shall be submitted to the local planning authority in accordance with the agreed details before the development is first occupied. The validation report must be produced by a suitably qualified person. 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.

COMPLIANCE/ CONSTRUCTION PERIOD

5. Arboricultural Compliance

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans, for the duration of the construction period? :

- Arboricultural Method Statement – Origin Environmental – 240314_24014_AMS_V1 – September 25
- Tree Retention and Removals Plan – Origin Environmental – 240314_24014 TRRP V2a_OE-003 – September 2025
- Tree Protection Plan – Origin Environmental – 240314_24014 TPP V2a_OE-004 – September 2025

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.

6. CEMP Compliance

The development hereby permitted shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) Revision 05, dated October 2025, including all appendices and referenced ecological method statements. The measures contained within the CEMP shall be implemented and adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area, protect biodiversity, and ensure the development is carried out in an environmentally responsible manner, in accordance with Policies SD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

PRIOR TO FIRST USE/OCCUPATION

7. Parking, Drop-off, and Cycle Storage

Prior to first use of the development hereby approved, the parking, drop-off, and cycle storage facilities shown on the approved plans (BLMS0601-AHR-30-ZZZ-D-L-0525-**S2**-P02 and BLMS0601-AHR-30-ZZZ-D-L-0520-**S2**-P05) shall be provided and made available for use. These facilities shall be retained thereafter.

Reason: To ensure adequate parking and promote sustainable travel, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

8. School Travel Plan

Prior to first use of the development hereby approved, an updated School Travel Plan, including the establishment and ongoing operation of a School Travel Plan Steering Group, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented as approved and monitored for a minimum of five years.

Reason: To promote sustainable travel and reduce congestion, in accordance with Policy MT1 of the Herefordshire Local Plan Core Strategy 2011-31.

9. Acoustic Design Compliance

All recommendations outlined in Acoustic Design Report ref.BLMS0601-HYD-10-ZZ-T-AC-0001, dated 6th March 2025, shall be implemented and shall be completed before the use, hereby approved, is first commenced and shall be thereafter maintained.

Reason: In order to protect the amenity of the area and future users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

10. Community Use Agreement (CUA)

Prior to first use of the development hereby approved, a Community Use Agreement (CUA) prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. The CUA shall include, but may not be limited to details of hours of use, management, pricing, and access arrangements. The approved CUA shall be implemented upon first use and adhered to thereafter.

Reason: To secure community access to the facility, in accordance with Policy SC1 and the National Planning Policy Framework.

COMPLIANCE/OPERATIONAL

11. Reinstatement post construction works

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, materials shall be removed from the site and the land shall be reinstated in accordance with a restoration scheme submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include:

- A condition survey of the affected playing field and/or MUGA prior to commencement of reinstatement works;
- Details of reinstatement to at least equivalent quality;
- A timetable for completion of restoration works (including a growing-in period for grassed areas).

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy and Paragraph 104 of the National Planning Policy Framework.

12. Landscape Implementation

The development hereby permitted shall be carried out in full accordance with the approved Landscape Masterplan (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0520, Rev P05), Soft Landscape Layout (drawing ref: BLMS0601-AHR-30-ZZZ-D-L-0540, Rev P04), and Landscape

Specification (ref: BLMS0601-AHR-10-LZZ-T-L-0610, P01) and related landscape details approved at Condition 2, or any subsequent details approved in writing by the Local Planning Authority. All planting, seeding, and turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion or first occupation of the development, whichever is sooner.

Reason: To ensure the satisfactory appearance of the development and to enhance biodiversity, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

13. External Lighting Compliance

The development hereby permitted shall be carried out in full accordance with the approved external lighting plan (drawing ref: BLMS0601-HYD-55-Z00-D-ME-7001, Revision P05, by Stantec). No external lighting shall be installed except in accordance with the approved details. Any future external lighting must be designed to avoid adverse impacts on habitats and protected species, and details shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To protect habitats and species, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Surface Water Discharge Rate

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 1.4 l/s.

Reason: To prevent hydraulic overloading of the public sewerage system and protect the environment.

15. Site Compound Removal

Within one month of the completion of construction works (or prior to first use/occupation of the development, whichever is sooner), the site compound and all associated temporary works, structures, and materials shall be removed from the site. The land shall be reinstated to its former condition or in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory restoration of the site and to protect the amenity and function of the school grounds, in accordance with Policies SD1 and OS3 of the Herefordshire Local Plan – Core Strategy.

16. Landscape Maintenance

All planting, seeding, or turfing carried out as part of the approved landscaping scheme shall be maintained for a period of five years from the date of planting. Any trees, plants, or areas of seeding/turfing which, within this period, are removed, die, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the successful establishment and long-term retention of the approved landscaping, in accordance with Policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy.

Formal Written Representation – Planning and Regulatory Committee (19 November 2025)

Application: P251073/PSI – *Aylestone School, Broadlands Lane, Hereford*

Submitted by: Mr Jeffrey Hancorn, Athelstan Hall, 76 Aylestone Hill, Hereford HR1 1HX

(with supporting evidence from Mr Pdraig Kelly)

1. Overview

We submit this representation in advance of the 19 November 2025 Planning and Regulatory Committee meeting concerning the above application.

Our intention is not to obstruct genuine educational improvement, but to highlight the serious governance, procedural, and evidential flaws that render this proposal unsound.

Herefordshire Council is both **the applicant and the decision-maker**. It is effectively judging its own work under the **Public Service Infrastructure (PSI)** fast-track route — a process intended for genuinely urgent, essential public facilities such as hospitals or emergency services, not for discretionary or delayed local capital projects.

This £13 million scheme has been in gestation for nearly three years since its first Cabinet approval “in principle” in 2023. Officers described it then as the start of a potential *new Aylestone School* that could later extend outward from this very proposed building — by design, further encroaching upon playing-field land. That long-term agenda was never transparently disclosed to the public.

2. Lack of Educational Need

The application’s justification rests on “rising demand” for secondary places in north Hereford. However, DfE 2025 projections and Council data show **no sustained growth** in pupil numbers:

- Herefordshire’s secondary rolls peak in 2025–26, then decline by around 200–300 pupils by 2030.
- Aylestone’s capacity is 450 places; current enrolment is **419**, meaning it is already **under-capacity**, not over-subscribed.
- DfE figures confirm city-wide declines in secondary numbers and falling eBacc attainment under current leadership.

Expansion therefore risks locking in surplus capacity while rewarding failure.

Without demonstrable long-term need, the claimed public benefit collapses — failing NPPF para 100, Core Strategy SC1, and the sustainability test under SS1.

3. Site-Selection Flaws

Aylestone has been treated as the **default site** since Cabinet’s February 2023 decision, with no evidence of serious alternative assessment.

Public consultations in 2023 and 2025 both framed the expansion as pre-approved, limiting meaningful input on *why this site* was chosen.

The Council should instead consider distributing funding among smaller high-performing schools or alternative partnerships, rather than concentrating £13 million into one repeatedly underperforming site.

This pre-commitment also compounds harm to open space: Aylestone’s constrained playing fields are already below the recommended area per pupil, and building here breaches the NPPF para 104 and Core Strategy OS3 tests requiring surplus or replacement provision.

4. Sport England Objection, Highways & Heritage

Sport England’s statutory objection remains unresolved.

They confirm that only the **sports-hall element** could potentially comply under Exception 5; the classroom blocks would remove protected playing-field land, displace an existing two-court MUGA, and create a net loss of sports provision.

That engages the 2021 Consultation Direction — meaning that if the Council is minded to approve despite the objection, it must refer the application to the Secretary of State.

The proposed layout also takes no account of adjacent heritage assets: activity and new planting are pushed toward the open boundary with the Grade II-listed Athelstan Hall, wrongly described as “unaffected.”

The last-minute “internal loop” parking arrangement **entrenches car use**, contradicting the Council’s own School Streets and Safer Routes to School policies.

The Highways position now relies on speculative future measures — School Streets pilots, TROs and the internal loop — none of which are permanent, funded or enforceable. Conditional support on that basis is not sound evidence under NPPF paragraph 116.

The public were further misled to believe those separate schemes were part of this application, when in fact they are not.

Meanwhile the school itself complains that it already has **17 acres to manage** — an admission of poor site management even before any new, potentially commercial, structure is added.

Since objections were lodged, intensified activity has appeared directly beside our property — including rugby training and goalposts newly sited against our boundary.

This intensified use has emerged only as a **new phenomenon during the course of this application**, coinciding with residents’ formal objections.

5. Amenity, Transparency, and Community Use

The project’s **commercial intent** only became clear late in the process through answers to MP enquiries — **nor was its intended commercial purpose ever disclosed openly**.

Such extended hire and community-use hours constitute a **material change of use** of playing-field land, requiring separate Secretary of State approval, as with the withdrawn 2018 3G proposal.

This concealment persisted throughout limited consultations, producing low attendance and misunderstanding, compounded by an application title that omits any reference to the sports-hall element.

Goalposts and equipment are now routinely left strewn across the site’s **north-western corner**, directly adjoining Athelstan Hall — behaviour symptomatic of poor management under the same leadership.

Publicity for unrelated road schemes was also used to imply wider outreach, misleading participants about the scope of the current proposal.

6. Governance, Procedural and Consultation Failures

The PSI fast-track route is reserved for **urgent educational or health infrastructure**, yet no proven educational urgency exists.

Herefordshire Council is both the **applicant and principal funder**, not the Department for Education — a clear conflict of interest.

The **Monitoring Officer's October 2025 letter**, restricting resident contact to a director directly involved in the PSI scheme, typifies the defensive governance culture surrounding this project.

Significant consultee material — including Balfour Beatty's 5 June and 26 September representations requiring written evidence that drainage can lawfully pass via third-party land to reach the adopted network — appeared on the portal only within the past week, **after closure of consultation**.

No approvals from **Welsh Water or affected landowners** are provided.

Meanwhile, the **Hereford City Council** representation remains unreadable despite requests for correction.

These late and incomplete disclosures render the consultation process defective and inconsistent with DMPO 2015 obligations.

7. Conclusion

This application fails on process, policy, and public accountability.

It lacks proven educational need, destroys protected playing-field land, and proceeds under a PSI designation that is neither appropriate nor lawful.

The combination of unresolved statutory objections, weak consultation, governance conflicts, and poor site management demands that this Committee **refuse or defer** the application pending:

- A verified educational-need assessment;
- A Sport England-compliant design;
- Transparent governance independent of conflicted officers.

If the Committee is nevertheless minded to approve, it must first **refer the decision to the Secretary of State** under the 2021 Consultation Direction.

Respectfully submitted,

Mr Jeffrey Hancorn

(with supporting evidence from Mr Padraig Kelly)

Athelstan Hall – 76 Aylestone Hill, Hereford HR1 1HX

Date: 12 November 2025

252087 - PROPOSED CHANGE OF USE FROM A PUBLIC HOUSE (SUI GENERIS) TO A DWELLINGHOUSE (CLASS C3) AT THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN

For: Mr & Mrs Griffiths per Mr Simon Rowles, P O Box 937, Worcester, WR4 4GS

ADDITIONAL REPRESENTATION:

Further to the publication of the officer report 1 additional representation has been received from a member of the public, as follows:

'I oppose the application. The owners have made little effort to run the pub successfully. They have refused a reasonable offer to purchase, and deny the local community have an interest in it.'

The following update contains exempt information and has been redacted in accordance with paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information) - Schedule 12A Part 1 Local Government Act 1972.

In the opinion of the Proper Officer, any debate of the following information will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

ADDITIONAL INFORMATION FROM PLANNING AGENT/APPLICANT:

Further to the publication of the officer report, additional information has been submitted by the Planning Agent/Applicant in response to the representations received and to provide further detail in respect of the viability of the public house and the marketing exercise. These are summarised below. A full copy of the additional information and the originally submitted marketing report has been provided to members. However, following discussions with the Planning Agent, as the marketing report and accounts contain commercially and personally sensitive information, these have not been published on the Council's website.

Correspondence with Planning Agent via email

A summary of the additional information submitted was provided by the Planning Agent in an email dated 13 November 2025, as follows:

Hi Chloe,

I have spoken to our clients (cc) about the committee report and some of the issues that arise from it.

Schedule of Committee Updates

The Officer recommendation is obviously very disappointing, with the applicants having been through an extended period of marketing, after accepting that they had little choice but to sell the pub. They are firmly of the belief that they have done everything within their powers to secure a sale as a going concern.

I've attached some documents which contain relevant information on the viability of the pub and correcting some of the matters as portrayed by the CBS and CAMRA. I am concerned that the Planning Committee has not been provided with a balanced representation of the facts on which to make a decision. This is not an exhaustive list, but to pick out a few points that are noteworthy:-

- A letter is attached showing that an offer of £245,000 from the CBS was accepted in principle, subject to evidence of funding. The objector-portrayed timeline of the offers made by CBS amounts to a misrepresentation of the facts.
- The financial information attached covers the years 2017, 2018, 2019, 2021 and 2022 (with a gap for the period over which Covid substantially disrupted trade). Please note that the accounts for 2021 (seen in the 2022 Profit and Loss sheet) take into account the furlough scheme and a significant reduction in rent, i.e. the 2021 figure for profit is therefore skewed and unrepresentative.
- Within that same document, you will see a list of the rental charges that were made over a 15-year period. You can see a significant decline in values. This simply does not portray an owner that was seeking to make it unviable or unworkable for tenants.
- We wish to confirm that The Crown & Sceptre in Bromyard was marketed and sold as a going concern through the same Agents (Sidney Phillips). The expectation, in placing The Wheelwrights on the market with the same, experienced Agent, was that a sale would be found.
- We are informed that the applicants did not consent to access to HJ Pugh for a valuation to be undertaken. This does raise the question as to on what basis this valuation was carried out and the weight that can be placed on it.
- The two letters attached from previous tenants (Roly and Chris Brown) reveal the support that they received from the applicants during their time running the pub.
- The final tenant, Mr Rob James, was only on a month-to-month agreement due to the pub having already been placed on the market. You will appreciate that this was the only practical arrangement at that time, with the decision having been made to sell.
- Each pub's circumstances must be assessed on their own particular merits and the suggestion that because other pubs have been revived elsewhere in the county does not directly translate to the circumstances at The Wheelwrights in Pencombe.
- It is relevant to note the absence of future government funding for community groups to purchase the pub. This further diminishes any chance of a successful sale. Please see the link below.

<https://www.countryside-alliance.org/news-content-type/dismay-as-government-axes-grant-that-saves-rural-pubs>

I trust that these matters can be brought to attention of Members as part of the Update Sheet. Alternatively, if the committee item was to be deferred it might give you more time to properly consider the full facts. We remain of the opinion that the pub is unviable and that it has been more than adequately marketed over an extended period of time. The significant reductions in the asking price bear testimony to the fact that the owners were genuinely looking to achieve a sale.

I would respectfully advise that some of the information attached relates to financial data of previous tenants and that other documents may also need to be redacted before display on the Council's website.

Kind regards,

Simon Rowles MRTPI

Trading and Profit and Loss Accounts

Trading and profit and loss accounts have been provided for the years ending March 2017, 2018, 2019, 2021 and 2022.

Due to the commercial sensitivity of the accounts, these have not been published on the Council's website. However, members have been provided with an unredacted copy.

Appendix A – Rent History

A letter has been received from the applicants confirming the rent per annum, excluding VAT, since 2007 to May 2025. The letter also refers to discounts on rent through covid and to accommodate the tenants' circumstances, as follows.

'Purchased: January 2007

Rent per annum (excluding VAT):

*2007: 24,000
2008: 24,000
2009: 24,000
2010: 24,000
2011: 20,000
2012: 20,000
2013: 20,000
01/05/14: 15,600
01/06/14: 12,000
01/09/16: 12,600
01/03/18: 13,200
01/05/23: 12,000*

April, May & June 2020 – No rent was charged due to covid No rent charged

July & August 2020 – 50% rent was charged

March 2021 – 50% rent was charged due to covid – even though they claimed their furlough payments in full throughout the covid pandemic

Each new tenant had one month's free rent as a goodwill gesture.

June 2023 – We gave [REDACTED] 50% discount [REDACTED]

The previous tenants admitted ... [REDACTED]. In December 2020 they were unable to pay the rent so we let them pay it late (3 weeks)

There was and never has been any daytime trade at the pub, even though a previous tenant wrote to several organisations (walking groups, age concern groups and the like) offering lunch group discounts, teas, coffees etc to drum up trade for the daytime but to no avail, it is very much an evening/weekend trade.

Appendix B - Letter from Sidney Phillips

The letter from Sidney Phillips is addressed to the applicant to notify them of an offer which had been received from the Community Benefit Society and the position following receipt of such. The main body of the letter states the following:

'Further to our recent telephone conversation, we confirm we have received an offer for the above property from Mr Russell Stevens on behalf of the Community Benefit Society in the sum of £245,000 subject to contract.

As instructed we have advised this offer is acceptable in principle, subject to them providing us with unconditional confirmation that the necessary funds are available to enable them to purchase at this figure.

Until this is received the business will remain fully on the market and we will keep you advised of all further developments.'

Appendix C – Letters from Previous Tenants

Copies of two letters from a previous tenant of The Wheelwrights have been provided, dated 28 November 2016 and 06 September 2022, as follows:

28 November 2016

'Sorry for the late reply to your letter dated 17th November 2016. Thank you for your terms, which are agreeable. Special thanks for the rent arrangement, that is very helpful. It has always been an intention to replace the landing carpet, but there always seems to be something more urgent to pay. We still will replace it, however, we promise those stains were there exactly the same when we took the pub over. Leave it all with us, and we will do our best to get everything tended to as soon as possible.'

06 September 2022

Following our conversation, here is Roly's and my 6 months' notice in writing — to terminate our tenancy on 31st March 2023. It is with deep regret,.. [REDACTED]. We would like to thank you both for what you have done for us. We have had a wonderful 8½ years.'

Appendix D – Planning Objections Response

A letter has been received from the applicants in response to the representations received for the application, as follows.

'RENT INCREASE

As shown in rent history report apart from a minimal increase (£50 per month) in 2016 and 2018, which was agreed with the ingoing tenants in their tenancy agreement, there has been a significant rent decrease, so how that can be putting financial pressure on the tenant is beyond us.

CROWN & SCEPTRE, BROMYARD

We did not get change of use on the Crown & Sceptre, it was sold in March 2016 as a going concern to a Mr. Ludovictus Weekers who ran it as a public house until he sold it himself. It was the new owners who brought it off Mr. Weekers who actually obtained change of use and nothing to do with us whatsoever. As regards that we have another pub in the area that we are applying for change of use on, the only other pub we own is The White Lion in Leominster and that is a thriving business and we have no intention of changing that, in fact the tenants have just renewed their tenancy for another five years.

JAMES LEWIS OFFER OF 170K

This was not an official offer, but in fact a glib comment made to our son in the pub one night when he said "tell your old man I'll give him 170k for The Wheelwrights in cash".

ROLLING TENANCY

This was agreed by both ourselves and Mr. James at the time of his taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime and we were happy as it meant we didn't have to close it down and gave it more chance of selling as a going concern. With regards to the back garden, Mr. James did not want to use it for the business as he had 4 dogs (Spaniels) which were kept in a fenced off area taking up most of the garden space. We did however, remove a fallen tree and erect a new fence in the garden to make it secure for the dogs.

We wanted to refurbish the property, upstairs and down before Mr. James took over but he wanted to open the pub as soon as he could because Easter was coming up (the following weekend) and he wanted it open for then, so we spent a week frantically cleaning, painting and generally tidying the downstairs (with a lot of help from Mr. James and his friends) to get the work done. We offered to do work upstairs after the opening but Mr. James said he would do it himself as he was just grateful that we had given him the opportunity to take on the pub.

LACK OF INVESTMENT

As to lack of investment in the kitchen, in April 2023 we installed a brand new stainless steel canopy and lined all the walls in the kitchen and prep room with Proplas wall panelling. We had a conversation with the brewery rep as to whether there would be any help towards the cost of upgrading the cellar and installing a new cellar cooling system but due to the low barrelage figures were told it was highly unlikely. We also upgraded the fire alarm system.

Total expenditure:

- Kitchen canopy: £425.00
- Kitchen walls: £814.66 (materials only)
- Carpets: £1,150.00
- New Fire alarm: £4,320.00
- New Heating thermostat: £240.00
- Garden maintenance: £360.00
- New garden fence: £883.20

Total: £8,192.86

The Wheelwrights Arms is not the only pub that we own, we also own The White Lion in Leominster as mentioned previously, and whilst there is only so much income generated from the two pubs, we invest where we think the money is best spent. We have invested more at The White Lion, fitting a new kitchen, new boiler, roof repairs to toilet block and more recently the drainage, as it is now susceptible to flooding since housing has been built next door and also had to pay for the damage caused when the whole of the downstairs flooded and the insurance company would not cover the cost of repair. We are also in the process of upgrading the fire alarm system too.

VALUATION

We find it hard to believe that a proper valuation has been carried out as we have not given access to anyone to enter the premises, so any valuation must be based on an external inspection only.

PURCHASE WITH INTENTION OF CHANGE OF USE

We find this comment ridiculous, so we were supposed to have purchased the property in 2007 with the intention that in 18 years time we would apply for change of use. We've heard of forward planning but that is absurd.

SECURITY FENCING

This was erected on 06/09/2024 as a stipulation from our insurance company to make the property as secure as we could. However, we do ... [REDACTED].

FOOTBALL AND CRICKET

There has not been a Cricket or Football team in the village for at least five years if not longer and with regard to the Crib team, that is only one night a week and based on a home and away basis, they are actually only in the pub once a fortnight, you don't see them in there any other night and unfortunately you need more than that support to survive.

VILLAGE HALL

Since the pub closed, there have been pub nights held in the village hall once a month, also lunch clubs and gardening clubs, film nights to mention just a few, so to say that the pub is the only place for people to meet is a bit of an exaggeration.

OFFICER COMMENTS

The additional information has been reviewed in detail. However, it is still considered that insufficient information has been provided to demonstrate compliance with Policy SC1 of the Core Strategy.

In respect of alternative facilities, the information advises that, since the public house closed, the village hall has held pub nights once a month, and also lunch clubs, gardening clubs,

and film nights. Whilst such is acknowledged, it is not considered that the events and frequency of such would offer an alternative facility equivalent to The Wheelwrights Public House.

With regard to the viability of the business, the submitted information confirms that the public house was run by the same tenants for approximately 8.5 years up to 31 March 2023. Accounts have been provided showing the years ending 2017, 2018, 2019, 2021, and 2022. All year's show a profit, although the profit margins vary with 2017, 2019, and 2022 being particularly low, whilst 2018 and 2021 were much higher, though Officers note the increased profit over 2021 was due to Government grants associated with Covid-19 and that this is not representative of a typical year's trading. The rent history provided by the applicants shows a significant reduction in rent from 2007, when the applicants purchased the public house, to May 2014. The rents for years 2016 and 2023 were then similar, with a slight increase for 2018. The information also advises that rent discounts were provided through 2020-2021, due to Covid 19. Although the accounts show low profit margins across a number of years, casting a degree of doubt on the viability of the business during this period, little information has been provided to set out how the public house was being run throughout this time, for example whether there were limited days and hours or opening or whether alternative business models were considered to improve the profit margin.

The final tenant took over around April 2023 and ran the public house until it closed in September 2024, on a month-to-month agreement due to the public house already being placed on the market. The month-to-month contract was agreed with the landlords and the tenant; the additional information advises that *"This was agreed by both ourselves and Mr. James at the time of taking on the tenancy as he wanted a pub with more scope to pursue his darts teams but he was happy to take on The Wheelwrights in the meantime..."* During the time Mr James ran the public house, Officers note that the garden was used privately only and not open to the public. Whilst the information provided by the landlords regarding the rent discount and tenants circumstances throughout this time are acknowledged, no accounts have been provided to cover this period, nor any information on how the public house was being operated.

Despite the evidence provided in respect of the viability of the public house, Policy SC1 is clear that the proposal must also demonstrate that the property has been vacant and actively marketed for community use without success. The letter from Sidney Phillips dated 17 July 2024 confirms that an offer from the Community Benefit Society of £245,000 was accepted but not completed and Officers are aware that two lower offers from other potential purchasers were accepted in April 2024 and December 2025 but were also not completed. Whilst the acceptance of lower offers is noted, this does not address concerns that the asking price, and the guide price for the auction, has been too high throughout the marketing campaign, likely putting off potential buyers. Due to the differences between the asking prices by Sidney Phillips and the valuation by H J Pugh (noting this may have been carried out without internal access), along with consideration of the recent sold prices of other public houses in Herefordshire provided by CAMRA, Officers continue to have doubts about the selling price advertised and therefore the adequacy of the marketing exercise as a whole. No detailed valuation, acknowledging the condition of the property and potential investment required, or assessment and comparison to sold prices of other public houses in the surrounding area, has been provided by the applicants.

The applicants have provided information regarding the investments made into the property in 2023, including installation of a new stainless-steel canopy and Proplas wall panelling in the kitchen and prep room, and new carpets, fire alarm, heating thermostat, and garden fence. Whilst these are acknowledged, Officers note that the sales brochure advises that the catering kitchen is only partially fitted to commercial standard, and no response has been provided to representations received which suggest there may be issues of mould and a structural issue with the roof, which would likely need to be addressed by any potential purchaser.

Officers are also aware that the government funding for community groups to purchase the public house has been removed. However, this does not mean that marketing carried out at an appropriate asking price would not generate interest from other potential purchasers, noting the lower offers which were received but rejected, as set out in the Marketing Report.

CHANGE TO RECOMMENDATION

No change to recommendation.

PLANNING and REGULATORY COMMITTEE

19 November 2025

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	The Church Commissioners per Miss Tara Johnston	Outline Planning application with all matters reserved, except access, for the first phase of an urban extension comprising up to 350 homes (Use Class C3); and a care home (Use Class C2), park & choose interchange; together with open and play space, landscaping, infrastructure and associated works at LAND AT THREE ELMS, NORTH EAST QUARTER TO THE NORTH EAST OF HUNTINGTON AND BOUNDED BY THREE ELMS ROAD AND ROMAN ROAD, HEREFORD, HEREFORDSHIRE, HR4 7RA	222138	33
CITY COUNCIL OBJECTOR SUPPORTER		MR MILLN (Hereford City Council) MR HULL (Local Resident) MS BARRETT-MUDHOO (Applicant)		
7	Herefordshire Council per Mr Gareth Hooper	Proposed two-storey educational building with associated landscaping and infrastructure works at AYLESTONE HIGH SCHOOL, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY	251073	177
OBJECTOR SUPPORTER		MR HANCORN (local resident) MR MOLYNEUX-WRIGHT (Applicant's agent)		
8	Mr & Mrs Griffiths per Mr Simon Rowles	Proposed change of use from a public house (Sui Generis) to a dwellinghouse (Class C3) at THE WHEELWRIGHTS, PENCOMBE, HEREFORDSHIRE, HR7 4RN	252087	227
PARISH COUNCIL OBJECTOR		MR BURGE (Pencombe Group Parish Council) MR LEWIS/MR HASLAM (local resident/CAMRA representative)		

