

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 21 August 2024 at 10.00 am

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

Councillors: Bruce Baker, Chris Bartrum, Dave Boulter, Simeon Cole, Matthew Engel, Catherine Gennard, Peter Hamblin, Roger Phillips, Stef Simmons, John Stone, Richard Thomas and Mark Woodall

In attendance: Councillors Highfield

Officers: Legal Adviser*, Development Manager Majors Team and Team Leader Area Engineer*

*denotes virtual attendance.

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Polly Andrews, Jacqui Carwardine, Dave Davies and Elizabeth Foxton.

18. NAMED SUBSTITUTES (IF ANY)

Councillor Chris Bartrum acted as a substitute for Councillor Andrews.

Councillor Matthew Engel acted as a substitute for Councillor Foxton.

Councillor Roger Phillips acted as a substitute for Councillor Dave Davies.

19. DECLARATIONS OF INTEREST

There were no declarations of interest at this stage of the meeting, please see paragraph 21 below.

20. MINUTES

RESOLVED: That the minutes of the meeting held on 17 July be approved.

21. 233134 - LAND OFF GREEN STREET, HEREFORD, HR1 2RB (Pages 7 - 8)

Councillor Catherine Gennard left the committee to act as the local ward member for applications 233134 and 240480.

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda. A verbal update of representations received following the circulation of the update sheet was provided¹.

In accordance with the criteria for public speaking, Mr Milln, spoke on behalf of Hereford City Council, Mr Steel spoke in objection to the application and Mr Gammond spoke in support.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that the right of way across the site was popular and the area was an important setting to demarcate the urban area from the countryside. There was a scheduled ancient monument on Bartonsham Meadow and there were extensive views from the area across Dinedor and Aconbury Hills. The proposed development would have an unacceptable impact upon the local setting and the application contained insufficient detail regarding the proposed planting/screening of the housings which would take a significant time to become established. The development would restrict the width of the entrance to the Meadow to 4 metres which was felt to be too narrow for vehicles seeking access. Alternative sites for the housings existed but it was not the role of the committee to suggest such amendments to the application. The applicant had supplied limited noise data regarding the impact of the development on local residential amenity but the assessment was insufficient and the application did not take proper account of the low level hum produced from the development. There was very little supporting information or assessments concerning the application. A refusal of the application was encouraged due to the unacceptable impact on the landscape, contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.

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

- The position of the development in the entrance to the site caused an unacceptable impact on the landscape and was an impediment to access to the meadow.
- The impact of the development upon key views from the site was unacceptable.
- The impact of the development upon the setting and character of the local area was unacceptable.
- The benefit of the removal of the existing pylons was recognised but there was insufficient detail in the application to assuage concerns regarding the impacts of the development and inconsistency with core strategy policies LD1, LD4 and SS6.

Councillor Matthew Engel declared a non-disclosable personal interest as a share holder in National Grid. The level of shareholding did not meet the threshold as a disclosable pecuniary interest in the councillor code of conduct.

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

Councillor Roger Phillips proposed and Councillor Richard Thomas seconded the refusal of the application due to the unacceptable impact of the development on the landscape contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.

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

¹ Reference was made to additional representations received from local community groups. To correct the information contained in the updates supplement and the presentation to the committee reference should have been made to St James and Bartonsham Community Association and not Friends of Bartonsham Meadows.

RESOLVED: That the application is refused due to the unacceptable impact of the development on the landscape contrary to core strategy policies LD1, SD1, LD4, SS6 and HD2.

22. 240480 - ST DAVIDS HALL, SYMONDS STREET, HEREFORD, HEREFORDSHIRE, HR1 2HA

The Senior Planning Officer provided a presentation on the application.

In accordance with the criteria for public speaking, a statement from Mr Lane, in objection to the application, was read to the meeting.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that the change of use of the building to a homeless shelter had been accepted and it was queried whether a site management plan could be imposed in the conditions.

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

- The application had established the need for the facility and its continued operation.
- It was noted that the application was for temporary permission and it was urged that the local authority seek a permanent, long-term provision.
- The visual impact of the building upon the local area was raised and consideration of screening of the development was encouraged in future.
- A change to the conditions to limit the length of the permission from a period of 5 years to expiration in 2026 was raised to provide an impetus to the local authority to advance plans for a permanent facility. The proposed change to the conditions was not seconded and therefore was not moved.

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

Councillor Richard Thomas proposed and Councillor Simeon Cole seconded the approval of the application in accordance with the case officer's recommendation.

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

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

- 1. The development shall be carried out strictly in accordance with the approved plans set out below, except where otherwise stipulated by conditions attached to this permission.**

Approved Plans:

- **Location Plan - 7NA2 Rev V2;**
- **Existing site plan - 7NA2 PODS 1.1 V4;**
- **Existing layout plan - 7NA2 1.2 V1;**
- **Existing layout elevations - 7NA2 1.3 V1;**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

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

3. **This permission shall expire 5 years from the date of this permission, after which the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration to the acceptability of the proposed use after the temporary period has expired and to comply with Policy (specify) of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **A The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

Councillor Catherine Gennard resumed her seat on the committee.

23. 233135 - EARDISLEY CHURCH OF ENGLAND PRIMARY SCHOOL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NS

The Development Manager North Team provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking, Mr Bowman, spoke on behalf of Eardisley Group Parish Council and Mrs Layton 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 there was an objection to the development due to its location within the local conservation area and in close proximity to the grade 1 listed church and Victorian school. The location of the development had a significant and adverse impact on highways safety. The shelter was positioned next to a busy,

complicated 4-way junction which was regularly used by pedestrians, particularly parents and children accessing the school. The position of the shelter limited the view of the roads and oncoming traffic of both motorists and pedestrians using the junction. The junction served a large industrial estate with a number of traffic movements including HGVs. The splays at the junction were inadequate and the limited views caused by the shelter raised the possibility of accidents caused by motorists making mistakes.

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

- There was division in the committee regarding the acceptability of the application.
- Some members of the committee recognised that existing highways concerns existed at the junction by the school and highway safety could be addressed with the introduction of lower speed limits and better signage. It was felt that the need for the shelter had been established in the application.
- It was the contention of other members of the committee that the location of the shelter was problematic and posed an unacceptable impact upon highway safety. The shelter restricted the view of motorists and pedestrians which increased the risk to pedestrians and children which was unacceptable and contrary to the Eardisley Group Neighbourhood Development Policy (NDP) policies T1 and T2.
- The impact of the shelter on existing heritage assets was acknowledged. Some members of the committee felt that its impact on the local environment was unacceptable and contrary to NDP policy E2. It was the contention of other members of the committee that in the event that permission was granted the shelter should be painted in a colour that was complementary to existing, proximate buildings.

The local ward member was given the opportunity to close the debate. In summary, he explained that there was sympathy for the school but the location of the shelter restricted views from the junction and had an unacceptable impact upon highways safety.

Councillor Roger Philips proposed and Councillor Peter Hamblin seconded the refusal of the application due to: an unacceptable impact on highways safety, contrary to Eardisley Group NDP policies T1 and T2; and an unacceptable impact on local heritage assets and the village character, contrary to NDP policy E2.

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

Councillor Stef Simmons proposed and Councillor Bruce Baker seconded the approval of the application, subject to the inclusion of a condition to require the painting of the shelter to ensure it was complementary to the local heritage assets and village character.

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

RESOLVED: That planning permission be granted subject to the following conditions, a condition to require the painting of the shelter to a colour complementary to local heritage assets and village character and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **The development shall be carried out strictly in accordance with the approved plans drawing nos. 412-01, 412-02, except where otherwise stipulated by conditions attached to this permission.**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP1 Application Approved Without Amendment**

The meeting ended at 12.12 pm

Chairperson

233134 - PROPOSED TWO PURPOSE BUILT TRANSFORMER HOUSING (STANDARD GRP GREEN GLASS FIBRE POLYESTER RESIN HOUSING) EACH SAT ON CONCRETE PLINTHS FOR FLOOD PROTECTION WITH SUBSTATIONS INSTALLED INSIDE EACH HOUSING TO SUPPLY ELECTRICITY TO WELSH WATER, LOCAL RESIDENTS AND BUSINESSES. EACH GLASS FIBRE POLYESTER RESIN HOUSING IS: WIDTH 3300MM, DEPTH 2400, AT LAND OFF GREEN STREET, HEREFORD, HR1 2RB.

For: Mr Wesley Gammond, Unit 1, Skylon View, Rotherwas, Hereford, Herefordshire HR2 6LB

ADDITIONAL REPRESENTATIONS:

1 further objection from the ~~Friends of Bartonsham Meadows~~ St James and Bartonsham Community Association received in relation to the committee report raising points as follows:

- The site is not a “small parcel of land”;
- There is no cycle path and cyclists do not use the meadows;
- The overhead power lines are not considered to be as visually intrusive as the substations – they are like telegraph poles – weather, brown wood and fade into the trees and wider view. The existing transformer does not obstruct views and acts as a roost for birds;
- The Master Plan cited has not been mentioned by the Hereford Wildlife Trust as part of their plans for the meadows. Their plans involve a process of restoration to floodplain and wildlife meadow with annual cutting and seeding with wildflowers. There is no talk of a cycle path, nor active travel measures or those mentioned in the committee report;
- Soft landscaping measures around the substations will further obstruct views;
- There was no mention of substations when the removal of the overhead wires was announced;

The full contents have been published to the website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233134&search-term=233134

OFFICER COMMENTS: The “small parcel of land” referred to is the application site area defined by the red line location plan and does not attempt to describe the wider nature reserve site. The Master Plan referred to is a consultation draft published by the Council in 2023. It does not hold full weight as it has not been adopted, but it gives the most recent proposals for the site as part of the wider City Master Plan.

CORRECTION TO COMMITTEE REPORT: Para 6.5 of the report – there is a typo in the final sentence which should read as follows:

Their removal will be of considerable benefit to the visual appearance of the whole nature reserve and this should **now** be afforded significant weight in your Officers view.

DESCRIPTION OF DEVELOPMENT:

Schedule of Committee Updates

The noise information received has been checked with the agent and it has come to light that, although there will be two GRP housing units, there will actually only be one transformer inside one of them (to replace the pole mounted one) and the other housing unit will contain the switch gear (that enables them to control the supply by switching off certain circuits and limit impact to properties and businesses). This is a reduction in the proposal so does not require consultation, but will require the agent to agree for the description of the development to be amended before a decision is issued.

Members should therefore be aware that the proposal is only considering one transformer unit and not two, although this does not change the proposed plans or the external appearance of the units.

CHANGE TO RECOMMENDATION: It is requested to delegate to Officers under the Scheme of Delegation for the description of the application to be amended, to reflect the proposal for only one transformer unit being proposed as set out above and in discussion with the agent, prior to a decision notice being issued.