Herefordshire Council

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 23 January 2019 at 10.00 am

Present: **Councillor PGH Cutter (Chairperson)**
Councillor J Hardwick (Vice-Chairperson)

Councillors: BA Baker, CR Butler, PJ Edwards, KS Guthrie, TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, NE Shaw and SD Williams

In attendance: **Councillors EPJ Harvey, JG Lester, D Summers and EJ Swinglehurst**

96. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, EL Holton and WC Skelton.

97. NAMED SUBSTITUTES

None.

98. DECLARATIONS OF INTEREST

Agenda items 6 and 7: 182191 and 182347 – Lodge Farm, Monkton Farm Lane, Ocle Pychard

Councillor MD Lloyd-Hayes declared an other declarable interest because she knew some of the objectors.

Councillor FM Norman declared an other declarable interest because she knew some of the objectors.

Councillor AJW Powers declared an other declarable interest because he knew two of the public speakers.

Agenda item 8: 182775 – Land to the north of the Royal Arms, Llangrove

Mr K Bishop, Lead Development Manager declared an other declarable interest because the applicant's agent had at one time worked for the authority's planning department.

Agenda item 9: 172076 – Land adjacent to Herriot Cottage, Glewstone

Councillors Cutter, Hardwick and Swinglehurst declared other declarable interests as members of the Wye Valley AONB Joint Committee.

Councillor SD Williams declared an other declarable interest as he had at one time lived at Withington.

99. MINUTES

RESOLVED: That the minutes of the meetings held on 18 December 2018 be approved as a correct record and signed by the Chairman.

100. CHAIRPERSON'S ANNOUNCEMENTS

None.

101. 182191 - LODGE FARM AND HIGHWAY FARM, MONKTON FARM LANE, OCLE PYCHARD, HEREFORDSHIRE

(Proposed erection of polytunnels for strawberry table top production and the necessary infrastructure, including internal farm access tracks, a sustainable drainage scheme with attenuation ponds, seasonal worker accommodation and facilities, fruit chiller, cold store and loading bay with landscaping and environmental enhancement measures.)

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

She highlighted a correction that the proposed polytunnels would cover 35.06 hectares rather than 37.02 hectares as set out in the report.

In accordance with the criteria for public speaking, Mr G Blackmore of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr R Williams spoke in objection on behalf of the Campaign to Protect Rural England and local residents. Mr G Leeds, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor JG Lester, spoke on the application. He made the following principal comments:

- The applicant had held a comprehensive consultation event.
- Polytunnels were a necessary part of modern soft fruit production. The application did have economic benefits. However, these had to be weighed against the negative impacts on the local community.
- There had been 17 letters of support. However, there had been objections from the Parish Council, two neighbouring parish councils, the Campaign to Protect Rural England, a petition, and over 200 individual letters of objection. This demonstrated the local community was opposed to the application.
- There was concern about the impact on the highway network. The proposal would create 23 full time jobs and work for over 300 temporary workers. Even though the applicant proposed to provide buses to transport agricultural workers to amenities there would be a significant impact on a narrow lane currently used by a few households.
- The size and width of the polytunnels was considerable and would have a significant impact. They would be in place for some 9 1/2 months. They would use 30 hectares of farmland.
- The Landscape Officer, as set out at paragraphs 4.6 and 6.53 of the report, had concluded that the impact of the development would not be significant. This was based on the view that polytunnels and caravans were temporary in nature and could be removed. However, a judgment on whether something was temporary or not should be based on how long it would be in place, not on how easy it was to remove it. There was no time limit on the proposed operation. Insufficient weight had been given to the adverse impact the Polytunnels would have on the environment.

- In addition insufficient weight had been given to the impact of the presence of 330 seasonal workers whose accommodation was in proximity to existing residents. However sound the management arrangements the applicant put in place there would be an impact.
- The Ocle Pychard Neighbourhood Development Plan could be afforded significant weight. The proposal was contrary to policy OPG1 and could not be considered sustainable development given the need to transport some 300 people by bus to Hereford to shop.
- It was also contrary to policy OPG11. The proposal would cover over 30 hectares with polytunnels. This could not be considered to protect, conserve or enhance the natural environment. It also did not meet the requirements of OPG 13
- It did not comply with the requirement in Core Strategy Policy RA6 that developments should be commensurate with their location and setting and not have unacceptable adverse impacts to the amenity of nearby residents.
- He acknowledged the need for polytunnels and seasonal workers to realise the economic benefits of soft fruit production. However, the scale of the proposal, located in the heart of Ocle Pychard, would have an adverse effect on the whole local community and was unacceptable to it.

In the Committee's discussion of the application the following principal points were made:

- There would be an economic benefit. However, there would also be a negative impact on the landscape with the change from fields being used for dairy and arable farming to land covered by polytunnels.
- A key consideration was the extent to which the application could be considered to comply with Policy RA6.
- The investment the applicant had to make was considerable and the scale of the development was likely to be commensurate with that.
- The provision of mature screening would be important. It would also be beneficial to wildlife and horse riders if a suitable hedgerow could be provided along the field side of the bridleway where it passed through the polytunnels. It was requested that this be conditioned.
- The scale of the development was too large and its impact was significant. A Member observed that permission had, however, been given for larger developments of this nature.
- The weight of local objection was noted and the reasons for Ocle Pychard Group Parish Council's objection as set out at paragraph 5.1 of the report were highlighted.
- The applicant had sought to reduce the visual impact.
- The proposal in an agricultural area was consistent with policy.
- There was no need to use grade 2 agricultural land for the growing method proposed.
- Reservations were expressed about the quality of accommodation to be provided for the seasonal workers to live in for several months.
- Concern was expressed about the possible impact on tourism.
- In terms of the highway impact account needed to be taken of the use that workers would make of taxies.
- Whilst there were references to the proposal being temporary, there was no time limit on the development

- The economic benefit was uncertain and the proposal clearly failed to provide social and economic benefits. A number of appeals, locally and nationally, against refusal of permission for developments of this nature had been dismissed by inspectors. One inspector had commented that the planning system was there to protect the public rather than private interests. It was proposed that the application should be refused on the grounds that it was contrary to paragraphs 75 and 112 of the National Planning Policy Framework, CS policies SS6 RA3, RA6, LD1, E1 and E4, and OPG NDP policies 1, 7, 11 and 13.

In response to questions raised the PPO commented:

- The feasibility of increasing the width of the public right of way and bridleway governed by condition 22 would need to be investigated if Members wished this to be pursued.
- She was not aware that there had been any progress in developing other colours of plastic for use on the polytunnels and did not know of any instances of such use in the county.
- Additional planting could be considered within the recommended condition in relation to a landscaping scheme.
- The application had been reduced in scale from the original proposal. Officers considered that it did meet the requirements of policy RA6.
- Water quality monitoring would be undertaken by the applicant and considered by the council and the River Lugg Internal Drainage Board.
- Condition 13 provided for the caravans and polytunnels to be removed in certain circumstances confirming their temporary status.
- She clarified the basis on which a reservoir on the site, referred to at paragraph 3.2 of the report, had received planning approval. The Lead Development Manager commented that this matter did not form part of the application.

The Lead Development Manager commented that appeal decisions in the county had been quite supportive of the development of polytunnels and their economic benefits and this had been given weight in a number of previous cases in the county. He acknowledged the views expressed by several members that the adverse social and economic benefits outweighed the economic benefits of the application before them. However, he cautioned, that there were no objections to the proposal from officers and the Landscape Officer had commented that she considered the impact on the landscape to be moderate adverse. Policy grounds for refusal had been identified in the debate. However, he noted that some policies within the OGP NDP could be quoted in support of the application and the matter had to be considered in the round.

The local ward member was given the opportunity to close the debate. He did not agree with the view that the impact of the proposal was minimal. He considered that more weight should be given to this aspect of the proposal and this approach would be in line with the relevant policies. The sheer scale of the proposal was not commensurate with the local setting as those policies indicated a proposal of this nature should be.

A motion that the application be refused on the grounds that it was contrary to paragraphs 75 and 112 of the National Planning Policy Framework, CS policies SS6 RA3, RA6, LD1, E1 and E4, and OPG NDP policies 1, 7, 11 and 13.was lost on the Chairperson's casting vote.

Councillor Baker proposed and Councillor Shaw seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried

on the Chairperson's casting vote there having been 4 votes in favour, 4 against and 4 abstentions.

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

1. A01 Time limit for commencement (full permission)

2. B01 Development in accordance with approved plans

Pre-Commencement Conditions

3. G11 Landscaping scheme – implementation

4. G14 Landscape management plan

5. The recommendations for species and habitat enhancements set out in the ecologist's report from Chris Seabridge and Associates dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing prior to any works commencing on site. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

6 Prior to the first occupation of any of the caravans hereby approved a 'Site Management Plan' which clearly sets out the arrangements for the use and occupation of the development hereby approved (to include amongst other issues; provision of recreation facilities, contact details and address of caravan site manager, type and position of the accommodation units, the maintenance of buildings and common areas, litter collection and disposal, recreation and leisure provision including the control of amplified music, lighting, car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall thereafter be in accordance with the approved management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with PolicySD1 of the Herefordshire Local Plan Core Strategy 2011-2031

7 **No development approved by this permission shall be commenced/occupied until a the following information has been submitted to and approved in writing by the Local Planning Authority:**

1. **Detailed drawings of proposed surface water attenuation features, wetlands and outfall structures;**
2. **Demonstration that an appropriate Panel Engineer has been consulted in the design of proposed attenuation features with capacity greater than 10,000m3 set above the natural level of the surrounding land; and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;**
3. **Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;**
4. **Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;**
5. **If infiltration of foul water is proposed to be discharge to the ground, infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;**
6. **Demonstration that the risk of water backing up the surface water drainage system from any proposed outfall has been considered and, if necessary, how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;**

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: in order to secure satisfactory drainage arrangements are provided and to comply with Polices SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8 **E01 Site investigation - archaeology - It would be secured via 'programme of work'.**

9 **I33 External lighting**

10 **H03 Visibility splays – Highways Farm Access**

11 **H05 Access gates**

Restrictive conditions

12. **In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.**

Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031

13 **In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the use of the land to house seasonal workers accommodation shall also cease. Subsequent to this and within 12 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational all units of accommodation including ancillary buildings or structures on the site shall be removed and the land restored to its former condition.**

Reason: The local planning authority would not have granted planning permission for this use unless it was required in support of the polytunnel development hereby approved as it would have been contrary to policy RA3 of the Herefordshire Local Plan Core Strategy 2011- 2031.

14 **The occupation of the accommodation hereby permitted shall be limited solely to persons employed by Withers Farm Ltd to work on land at Ocle Pychard, and shall be limited to providing accommodation for no more than 330 workers at any one time, and subject to a maximum number of 72 static caravans stationed on the land at any one time. For the avoidance of doubt the development herby permitted shall not at any time be occupied as a sole or principal residency by any individual or group of individuals.**

Reason: Planning permission has only been granted having consideration for the needs of the proposed agricultural enterprise to operate at Lodge Farm and Highway Farm in Ocle Prychard, and to maintain control over the scale of accommodation provided in order to clarify the terms of this planning permission to conform with Policy RA3 of the Herefordshire Local Plan Core Strategy 2011-2031.

15 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification, no caravans or any other form of habitable accommodation shall at any time be placed on the land which is under the control and/or ownership of the applicant as defined by drawing no. PL – 01 Land Ownership Plan, other than the 72 identified on PL-15 (Lodge Farm Landscaping details – dated 31-10-18)**

Reason: In order to clarify the terms of this planning permission and to maintain control over the scale of accommodation provided in the interests of visual and residential amenity to conform with the Herefordshire Unitary Development Plan.

16 **The seasonal polytunnels hereby permitted shown on drawing PL – 04A Rev 2 (dated 16-5-2018) in fields A12, A11, A8, A3, A2 and A1 shall only be covered in polythene between 1st February and 15st November in any calendar year, unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that the polytunnels hereby permitted are not covered in polythene outside the growing periods, thus ensuring that the visual impact is reduced in accordance with policy LA2 of the Herefordshire Unitary Development Plan, Guideline 6 of the adopted Polytunnel Supplementary Planning Document and having regard to the aims of the National Planning Policy Framework.

17 Unless otherwise agreed in writing by the local planning authority, none of the seasonal polytunnel in fields A12, A11, A8, A3, A2, and A1 shall exceed more than 4.5. metres in height above existing ground level. No year round polytunnel in fields A10, A7, A5, A4, A1 and A2 shall exceed 5.2metres in height above the existing ground level.

Reason: To control the impact of the development within the landscape in accordance with policy LA2 of Herefordshire Unitary Development Plan 2007.

18. A buffer zone shall be installed around T5 of 15m positioned in field A12 to ensure the development does not detrimentally affect the tree condition and shall be maintained for the lifetime of the development.

Reason
To comply with part 11 National Planning Policy Framework recommendations – Conserving and Enhancing the Natural Environment.

19 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Agricultural Development at Ocle Pychard Ecological Enhancement & Resource Protection Policy May 2018.

Reason
For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance and National Planning Policy Framework.

20. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the Fruit Traffic Management Plan dated December 2018 unless agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy ad the National Planning Policy Framework.

21. G02 – Retention of existing trees and hedgerows

22. To ensure the public right of way and bridlepath is not obstructed and to conform with the requirements of Policy MT1 there shall be no polytunnel erected within 2 metres of the centre line of any public right of way and no polytunnel sited within 3 metres of the centre line of the bridleway.

Reason: To ensure that that the enjoyment of the PROW and Bridelpath is not harmed and to conform with the requirement of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

23. Prior to the occupation of any of the seasonal workers caravans hereby permitted, detailed plans and an amenity strategy shall be submitted to and approved in writing by the local planning authority which shall include, but not be limited to the following;

- **Internal arrangement of the amenity building,**
- **Construction details required, which should also include noise attenuation measures ;**

- **The hours of use which the employees will be able to access the facilities; and**
- **Details of any external lighting required to amenity area.**

The development shall be carried out in accordance with the provisions of the approved plans and details.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

The buildings forms an integral part of the visual environment and this condition is imposed to ensure that the development conforms preserves and conforms to the requirements of Polices SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. **HN01 – Mud on Highway**

3. **HN04 – Private Apparatus within Highway**

4. **HN05 - Works within the Highway**

5. **HN10 – No drainage to discharge to Highway**

6. **The applicant's attention is drawn to the comments received by the Lugg Drainage board and the requirements of the Bye Laws and S15 OF THE Land Drainage Act 1991 to leave a permanent 9 metre access strip along the Little Lugg, Kymin Section, Lateral No. 2 within the development site, for watercourse maintenance purposes. The written consent of the Board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment. Clear unimpeded access for heavy plant is required to and throughout the maintenance area. Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse**

7. **HN02 Public rights of way affected**

8. **N11C General Wildlife and Countryside Act 1981**

9. **N18 European Protected Species**

10 **The applicants are reminded that they are required to completed an application for Ordinary Watercourse Consent for any proposed structures**

within an ordinary watercourse or works within 8m of an ordinary watercourse

11 In relation to condition 23 above, the applicants are advised that should the Local Planning Authority form the opinion that the proposed alterations and chances are of such a scale and form that they alter the character and appearance of the building then a separate planning application could be required.

(The meeting adjourned between 11.35am – 11.50 am)

102. 182347 - LODGE FARM, MONKTON FARM LANE, OCLE PYCHARD, HR1 3QQ

(Proposed change of use of agricultural buildings to provide two units of farm managers accommodation, residential curtilage and parking.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr G Blackmore of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr G Leeds, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor JG Lester, spoke on the application.

He noted that the Parish Council had expressed concern about potential conflict with the Neighbourhood Development Plan. However, he considered that the proposal appeared to sit within Core Strategy policy RA5. It represented good use of agricultural buildings for accommodation. The objections received related to the overall development that had been the subject of the previous agenda item (application 182191). He had no objections in principle to the proposal.

In the Committee's discussion of the application the following principal points were made:

- The proposal was consistent with policy RA5.
- It was proposed that in considering approval of the roofing material a condition should be added requiring the provision of bat tiles.
- It was questioned whether the positioning of the mature landscaping proposed meant there was enough space for it to be implemented. The PPO commented that officers would seek to ensure implementation in accordance with the plan accompanying the application.
- It was questioned why the application had not been considered as part of application 182191, the subject of the previous agenda item.

The Lead Development Manager commented that the application was in accordance with Neighbourhood Development Plan policy OPG 2 and with Core Strategy policies RA3 and RA5.

The PPO commented in relation to a suggestion that an agricultural tie should be imposed that condition 5 imposed restrictions on occupation of the dwelling.

The local ward member was given the opportunity to close the debate. He had no additional comment.

Councillor Shaw proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with the provision of bat tiles. The motion was carried with 12 votes in favour, none against and no abstentions.

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

1. **A01 Time limit for commencement (full permission)**

2. **B01 Development in accordance with approved plans**

3. **C01 Samples of external materials**

4. **F14 Removal of permitted development rights**

5. **The occupation of the dwellings (unit A and Unit B) hereby permitted shall be limited to a person solely or mainly employed or last employed in the business occupying the buildings and land edged in blue on land ownership plan ref. OCLE PYCHARD PL-01 dated 24-05-18**

   Reason: In order to conform with Policy SD1 of the Herefordshire Local Plan – Core Strategy, OPG13 of the Ocle Pychard Neighbourhood Plan and the National Planning Policy Framework so as to safeguard the residential amenity of the occupants.

6. **Prior to the commencement of development, a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include / address the following;**

   1. **Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;**
   2. **Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;**
   3. **If infiltration of foul water is proposed to be discharge to the ground, infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;**
   4. **Confirmation of ongoing management of drainage systems.**

   The drainage strategy shall be implemented before the first occupation of the dwellings hereby approved and maintained thereafter in accordance with the approved details.

   Reason: in order to secure satisfactory drainage arrangements are provided and to comply with Polices LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy OPG11 of the Ocle Pychard Neighbourhood Development Plan and the National Planning Policy Framework.

7. **The recommendations for species and habitat enhancements set out in the ecologist's report from Chris Seabridge and Associates dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working**

method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031, Policy OPG11 of the Ocle Pychard Neighbourhood Development Plan and to meet the requirements of the National Planning Policy Framework (NPPF).

8. **I16 Restriction of hours during construction**

9. **I42 Scheme of refuse storage (residential)**

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. 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. **HN10 No drainage to discharge to highway**

3. **HN01 Mud on highway**

4. **N11A Wildlife and Countryside Act 1981**

5. **N18 European Protected Species Licence**

103. 182775 - LAND TO THE NORTH OF THE ROYAL ARMS, LLANGROVE, HEREFORDSHIRE

(Proposed erection of five residential dwellings (C3) along with associated parking, roads, new highway access and associated infrastructure.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A McRobb, of Llangarron Parish Council spoke on the Scheme. Mr P Nottage, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EJ Swinglehurst, spoke on the application.

She made the following principal comments:

- She acknowledged the efforts made by the applicant to seek to meet local concern. However, local concern remained.
- There had been 28 letters of objection. She had received a phone call in support that she had been asked to bring to the committee's notice.
- There was local concern about the intensification of housing in the village reaching a point where it was starting to feel congested. The Neighbourhood Development Plan had limited weight leading to frustration at the level of local control of development.
- There was concern about the capacity of the road network, specifically the road from Llangarron to Whitchurch, noting the cumulative impact in conjunction with another development for 18 houses that already had approval.
- Pedestrian safety within the village was an issue and she highlighted the Transportation Manager's comments on the benefit of footway provision.
- Concerns had been expressed about sewage treatment plant capacity. She noted that Welsh Water had had no objection to the application.
- There was also concern about surface water run-off from what was a sloping site. The proposed mitigation was a balancing pond. However, she had concerns about the outfall and the ongoing maintenance.
- She highlighted the comments of the Conservation Manager at paragraph 4.4 of the report that the removal of a hedge to provide visibility splays would dramatically alter the character of the western end of the settlement, making the approach suburban in character and not reflective of Llangrove's distinctiveness.
- The owner of the Royal Arms public house adjoining the site had concern that the development would change its character, losing its unique selling point as a country pub. There was also concern about disruption during the construction phase. She hoped it would be possible to store and move material from one field to another within the applicant's land holding avoiding having to use the road, so protecting the pub and the village from disruption.
- There was a possibility that proximity of the development to the pub would lead to complaints from the new residents.
- In order to provide the visibility splay the hedge could not be retained. However, she requested that consideration be given to setting it back and replanting, with the footway internally to that, both to increase pedestrian safety and to connect to the open space and the village.
- She endorsed the Parish Council's request that the planting be as early as possible with trees as mature as it was feasible to use.

In the Committee's discussion of the application the following principal points were made:

- It was noted that the applicant had responded to local concerns and sought to address them, for example by reducing the number of dwellings and amending the layout.
- The landscaping was a key issue. There was support for translocation of some of the hedgerow at the front of the lane opposite the public house assisting it to retain the character of a village pub. It was also suggested that a walkway could be provided in combination within the hedge.
- The planting scheme was important to maximise the appearance of the scheme and minimise the loss of amenity and views of the pub in the short term as well as the long term and protect it as a community asset.

- The pub had suffered during the construction of another development. It appeared that it might be possible to reduce the impact of construction works associated with the proposed development by storing and moving material from one field to another within the applicant's landholding and this should be pursued.
- There was concern about use of the Llangarron to Whitchurch Road as a rat-run.
- There was a need for improved pedestrian facilities where possible.
- It was requested that bat tiles be required.

The Lead Development Manager commented that hedge could be translocated. He noted that part of the hedge on the entry to the village was to be retained.

With regard to a question as to whether the hedge could be retained in situ until those properties opposite the pub had been constructed, so reducing the impact of construction, he commented that this would probably be difficult because the visibility splays would have to be created to enable safe access to the site.

He was concerned that providing a short length of footpath would not be in keeping with the character of the village.

There was scope to locate the site compound in a way that reduced the impact on the pub through condition 13. An additional condition could be added covering hours of working.

The local ward member was given the opportunity to close the debate. She had no additional comment.

Councillor Edwards proposed and Councillor Guthrie seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition that the hedgerow be moved back. The motion was carried with 11 votes in favour, none against and 1 abstention.

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

1. A01 Time limit for commencement (full permission)

2. Development in accordance with the approved plans

3. All foul water from the dwellings approved under this Decision Notice shall discharge through a connection to the local Mains Sewer network unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

4. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

5. The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended

in the submitted ecology report by AVA Ecology dated July 2018, along with the use of bat tiles and or boxes, are incorporated into each dwelling shall be implemented in full as stated 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 Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

6. **Prior to commencement of any site clearance or works on site a detailed hedgerow translocation and establishment plan; and a Wildlife Pond Method and Management Statement, should be supplied to this planning authority for approval. The approved plans shall be implemented in full as stated and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

7. **H03 - Visibility splays, 2.4m X 42m eastbound, 35m x 2.4m westbound**

8. **H06 - Vehicular access construction**

9. **H09 - Driveway gradient**

10 **H13 - Access, turning area and parking**

11 **H20 - Road completion in 2 years**

12 **H21 - Wheel washing**

13 **H27 - Parking for site operatives**

14 **H29 - Secure covered cycle parking provision**

15 **C01 - Samples of external materials and finishes**

16 **F14 - Removal of permitted development rights**

17 **F16 - No new windows, dormers or rooflights in any elevation or roof slope**

18 **G02 - Retention of trees and hedgerows**

19 **G04 - Protection of trees/hedgerows that are to be retained**

20 **G10 - Landscaping scheme**

21 **G11 - Landscaping scheme – implementation**

22 **G14 - Landscape management plan**

23 **G15 - Landscape maintenance arrangements**

24 G16 - Landscape monitoring

25 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP1 - Application approved without amendment

2. HN01 - Mud on highway

3. HN04 - Private apparatus within highway

4. HN05 - Works within the highway

5. HN10 - No drainage to discharge to highway

6. HN24 - Drainage other than via highway system

7. HN28 - Highways design guide and specification

104. 172076 - LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE

(Site for proposed erection of nine dwellings. Construction of new vehicular access, turning area and private roads. Layout and construction of associated works.)

(Councillor James had left the meeting and was not present during consideration of this application.)

The Principal Planning Officer (PPO) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A Cronshaw a local resident, spoke in objection. Mr S Barton, spoke in support on behalf of the applicant's agent.

In accordance with the Council's Constitution, the local ward member, Councillor EJ Swinglehurst , spoke on the application.

She made the following principal comments:

- The application site was within the Wye Valley AONB. As such it had to be considered under paragraph 172 of the NPPF and required great weight to be given to conserving and enhancing the landscape. The proposal was contrary to paragraph 172 of the NPPF and Core Strategy policies SS6 and LD1 and should be refused.
- The Landscape Officer had commented that the proposal did not comply with LD1, referencing the engineering works to facilitate the access in conjunction with the loss of hedgerow.
- There were landscaping schemes in mitigation. The residual harm would have to be weighed against the scheme's benefits.

- Tranquillity and darkness were other aspects of an AONB that should be considered. Consideration should be given to controlling any proposed use of passive infrared sensor lighting that would urbanise the area.
- Glewstone was classified as an RA2 settlement despite completely lacking amenities (no bus service, no pub, no village hall, no church, no school). She questioned if the proposal was compliant with SS7 which stated development should be in sustainable locations seeking to reduce the need to travel by car. It appeared in conflict with RA2 (3) and SS4 which reflected this theme. There was no public transport. It was not safe to walk along the narrow lanes. It was not possible to cycle on the A40. There was no alternative to travel by car to reach any services. Much of Glewstone also lacked reasonable broadband access, a further issue of sustainability.
- Objectors were concerned about the safety of schoolchildren waiting for the school bus at the crossroads. A refuge had been offered in mitigation in response to views of the Area Engineer. The local view was that this was not sufficient.
- The site was in the AONB on rising ground and would have a landscape impact. That had to be weighed against the benefits. The mitigation would not offset the harm.
- If the Committee was minded to approve the application she requested that consideration should be given to the amenity and light of the neighbouring Herriot's cottage at the reserved matters stage along with external lighting and sustainable design.

In the Committee's discussion of the application the following principal points were made:

- One view was that the site was in a hollow and the landscape impact on the AONB could be mitigated. A contrary view was that the proposal was intrusive in the AONB landscape. It was on a steep slope and would require considerable engineering works.
- Lighting and materials should be carefully considered at the reserved matters stage.
- Natural England had no objection.
- In relation to reserved matters, it was questioned how the ongoing management costs of the proposed community orchard would be met. Bat tiles should be considered at the reserved matters stage.
- Concern was expressed about the location's sustainability given the absence of local amenities. In addition, an Inspector had recently dismissed an appeal elsewhere on the grounds of sustainability given its lack of fast broadband.
- Highway safety was a concern noting the proposed provision of a pedestrian refuge. The PPO commented that a kerbed footway raised above the road level was proposed creating a platform within the land in highway control and the adjoining property wall.
- It was questioned whether the size of houses proposed met the area's needs.
- The site was not an RA2 settlement and was one of several examples that needed to be addressed in the scheduled review of the Core Strategy.

The Lead Development Manager commented that the Core Strategy identified the area as sustainable and suitable for proportionate growth under RA2. There was no Neighbourhood Development Plan.

He commented that the scope of the scheduled review of the Core Strategy had yet to be determined. It was expected that the review would take some years.

He clarified that at the time when an earlier appeal against refusal of permission had been dismissed the relevant policy had defined the site as being in the open countryside.

The application had some benefits such as the pedestrian refuge. The housing mix comprised single and two storey dwellings. The proposal could be viewed as organic growth. It was in keeping with the character of the area.

The local ward member was given the opportunity to close the debate. She commented that the key issue was the landscape impact on a site in the AONB and in her view this attracted greater weight than any benefits.

A motion that the application be approved was lost.

Councillor Lloyd Hayes proposed and Councillor Guthrie seconded a motion that the application be refused on the grounds that it was contrary to policy LD1, Paragraphs 15 and 172 of the NPPF and the Wye Valley AONB Area Management Plan. The motion was carried with 7 votes in favour, 4 against and no abstentions.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policy LD1, Paragraphs 15 and 172 of the NPPF and the Wye Valley AONB Area Management Plan and officers named in the scheme of delegation to officers be authorised to detail the reasons for refusal.

Appendix - Schedule of Updates

The meeting ended at 1.35 pm **Chairman**

PLANNING COMMITTEE

Date: 23 January 2019
Morning

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

182191 - PROPOSED ERECTION OF POLYTUNNELS FOR STRAWBERRY TABLE TOP PRODUCTION AND THE NECESSARY INFRASTRUCTURE, INCLUDING INTERNAL FARM ACCESS TRACKS, A SUSTAINABLE DRAINAGE SCHEME WITH ATTENUATION PONDS, SEASONAL WORKER ACCOMMODATION AND FACILITIES, FRUIT CHILLER, COLD STORE AND LOADING BAY WITH LANDSCAPING AND ENVIRONMENTAL ENHANCEMENT MEASURES. AT LAND AT LODGE FARM AND HIGHWAY FARM, MONKTON FARM LANE, OCLE PYCHARD, HEREFORDSHIRE,

For: Mr Leeds per Mr Phil Plant, Offley House, 18 Church Street, Shifnal, TF11 9AA

ADDITIONAL REPRESENTATIONS

Since the report was published a further 3 letters of objection have been received, all from previous objectors. A summary of the letters received is given below;

- Survey within ecological assessment of the hedge sited on the proposed reservoir site is inadequate as from our own surveys several other species have been identified.
- Extremely concerned about the impact on the wildlife, especially barn owls and there hunting ground, as well as many birds, all of which need extensive areas of open ground to hunt.
- The proposed development will have a detrimental impact on the setting of Ocle Pychard Church from The Green, which is within the Conservation Area of Ocle Pychard
- It is believed that the Officer report should have stated 307 objections

The agent for the application has also submitted a supporting letter which is summarised below;

- The site extends to approximately 145ha, with 35.74ha proposed for poly tunnels following a reduction in the site area from 37.02ha, due to ecological factors.

- The seasonal worker accommodation is temporary, and therefore the use of the land to site the caravans is a temporary use, and will not lead to the permanent loss of agricultural land. This is ensured through the appropriate use of condition 13 requiring the removal of the caravans in the event that the polytunnels cease to be functionally used.

- The applicant has provided the Planning Authority with a detailed Economic Need and Impact Statement detailing the very significant economic benefit to the farming business and to the wider economy by ensuring the on-going success of the local packhouse, Wye Fruits Ltd, and local trade suppliers to Withers Fruit Farm. Withers Farm Ltd currently employs 26 permanent staff in addition to George, Richard and Nicholas Leeds. The proposals will provide an estimated 23 additional, full time, permanent jobs in the business. These will be advertised locally for local people.

Whilst the seasonal fruit pickers are likely to be Eastern European workers, some of the skilled seasonal jobs such as tractor drivers and irrigation staff will also be advertised locally with the aim of employing local people wherever possible.

OFFICER COMMENTS

The assessment and hedgerow referred to relate to application 181150 which was granted permission on 30TH May 2018 and does not form part of this application. This application proposes the translocation of a section of road side hedgerow at Highway Farm on the A465.

For clarification a total of 311 letters of objection have been received from a total of 265 objectors. A number of objectors have submitted more than 1 letter of objection. Since the report was published, a total of 3 of the letters notifying objectors of the committee have been returned confirming that the objector is 'not known' at the address given. The case officer has also taken a total of 5 telephone calls from 'objectors' confirming they never wrote in.

Correction within the report

- Paragraphs 1.11 and 1.13 should read 35.74ha of polytunnels (not 37.4ha)
- Paragraph 1.13 should identify 16.04ha of seasonal polytunnels covering the upper slopes (not 17.31ha)
- Paragraphs 6.71 Remenham House and Ocle Court are not listed buildings
- Condition 16 should read November 15th

NO CHANGE TO RECOMMENDATION

182347 - PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDINGS TO PROVIDE TWO UNITS OF FARM MANAGERS ACCOMMODATION, RESIDENTIAL CURTILAGE AND PARKING. AT LODGE FARM, MONKTON FARM LANE, OCLE PYCHARD, HR1 3QQ

For: Mr Leeds per Mr Phil Plant, Offley House, 18 Church Street, Shifnal, TF11 9AA

ADDITIONAL REPRESENTATIONS

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- The proposed development will have a detrimental impact on the setting of Ocle Pychard Church from The Green , which is within he Conservation Area of Ocle Pychard

OFFICER COMMENTS

The assessment and hedgerow referred to relate to application 181150 which was granted permission on 30TH May 2018 and does not form part of this application. This application is for the conversion of the rural buildings into living accommodation and does not propose the removal of any hedgerow.

NO CHANGE TO RECOMMENDATION