

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 21 November 2018 at 2.00 pm

Present: Councillor J Hardwick (Vice-Chairperson)

Councillors: BA Baker, PJ Edwards, KS Guthrie, EL Holton, TM James, FM Norman, RJ Phillips, AJW Powers, D Summers, EJ Swinglehurst and SD Williams

In attendance: Councillors DG Harlow and JF Johnson

(Councillor J Hardwick (Vice-Chairperson) in the chair)

70. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler, PGH Cutter, DW Greenow, MD Lloyd-Hayes, NE Shaw, and WC Skelton.

71. NAMED SUBSTITUTES

Councillor RJ Phillips substituted for Councillor DW Greenow, Councillor D Summers for Councillor MD Lloyd-Hayes and Councillor EJ Swinglehurst for Councillor NE Shaw.

72. DECLARATIONS OF INTEREST

Agenda item 5 – 172156 – Hazlefield, Broad Oak

Councillor EJ Swinglehurst declared an other declarable interest because she knew the applicant and their family and was a member of Welsh Newton and Llanrothal Group Parish Council – a consultee on the application.

Agenda item 6 – New House Farm, New House Farm Barn, Grafton Lane, Grafton

Councillor J Hardwick declared an other declarable interest as he knew the applicant.

Councillor SD Williams declared a Schedule 1 interest and left the meeting during the consideration of the application.

Agenda item 7 – The Master's House, St Katherines, High Street, Ledbury

Councillor EL Holton declared that she was the council's representative on the Malvern Hills Trust and that she was the adjoining ward member.

73. CHAIRPERSON'S ANNOUNCEMENTS

The Vice-Chairman reported that Mr Roland Close, Principal Planning Officer, was leaving the authority. On behalf of the Committee he thanked Mr Close for his work and wished him well for the future.

74. 172156 - HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ

(Erection of dwelling for agricultural manager.)

The Senior Planning Officer (SPO) 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 Breakwell, the applicant, spoke in support of the application.

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

He made the following principal comments:

- He stated that he lived about a mile from the site and his property was surrounded by the applicant's land. The property had at one time been the applicant's farmhouse. However, he had not purchased it from the applicant but from a subsequent owner. He knew the applicant but not socially.
- He could confirm from his local knowledge that the applicant cared for the farm. It was sensible in the interests of animal welfare for a farmer to live on the farm. Currently the applicant had lived on site for 12 years in a caravan. The farm had been farmed by the family for 100 years.
- There were several letters in support of the application with little opposition.
- The dwelling would not be visible from the road and would only be visible to a very few properties. It would not inconvenience anyone and the council should show flexibility.

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

- There was a wish to support a family seeking to hand down a farm through the generations and there was some sympathy for the personal situation of the applicant.
- There had been a bungalow on site with an agricultural tie. The applicants had applied to have this removed and the property had subsequently been sold four years ago. This action appeared contrary to the stated wish to enable the family to live on site and expand the business.
- It was noted that the agricultural consultant had concluded that there was no essential need for the development of a further dwelling. Some members disagreed asserting that someone needed to be on site to deal with animal welfare issues.
- The SPO referred members to the committee update which contained revised information on the size of the landholding and numbers of livestock. She confirmed that she had sought and received confirmation from the agricultural consultant that his opinion had been based on that information. There was one property on site with an agricultural tie and one property, the converted barn, with no tie that was occupied by the applicant's parents.
- The proposal was contrary to policies RA3, RA4, SD1 and LD1.
- The Parish Council opposed the proposal.
- The design was not of sufficient quality or suitable for the site. It would be visually prominent from some aspects. There had been no effort to screen the building. A proposal for a modest and functional building would have been more appropriate.

The Lead Development Manager confirmed that the caravan on site was currently unauthorised. The design of the proposal formed one of the recommended grounds for refusal. The essential need was met by the existing properties. An annex could be considered to accommodate a son.

The local ward member was given the opportunity to close the debate. He commented that the bungalow that had been sold was some 1 1/2 miles from the farm buildings and had not therefore been in a suitable location. He questioned whether an annex was a suitable form of accommodation in this case. He remained of the view that the application would not inconvenience anyone.

Councillor Edwards proposed and Councillor Guthrie seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried on the Chairperson's casting vote there having been with 5 votes in favour, 5 against and 2 abstentions.

RESOLVED: That planning permission be refused for the following reasons:

- 1. In light of the information provided with the application, it has not been demonstrated that there is an essential need for an additional dwelling at Hazelfield, noting that there is Hazelfield Barn and Hazelfield House in close proximity to the site that could be utilised. The proposal is therefore contrary to policies RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and paragraph 79 of the National Planning Policy Framework.**
- 2. The proposed dwelling, by virtue of its scale, prominence and overall design approach, is not one that has been influenced by the local context of the site and would result in landscape harm. The proposal is therefore contrary to policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and paragraph 127 of the National Planning Policy Framework.**

Informative:

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

(The meeting adjourned between 3.00 pm to 3.07 pm.)

75. 182130 - NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

(Proposed change of use of residential dwelling to office accommodation.)

(Councillor Williams having declared an interest left the meeting for the consideration of this application. Councillor Holton left the meeting during part of the debate and accordingly had no vote on this application.)

The Senior 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. Ms J Hardy, a local resident, spoke in objection. Mr P Lewis, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He had redirected the application because of the level of concern expressed by local residents, mostly living along Grafton lane. The road was narrow and at peak hours was a rat-run to the A49. During consideration of the Southern link road there had been discussions as to whether the road should be closed off as a through road and as part of the national cycleway.
- The proposal would increase traffic and those traffic movements would take place during peak hours.
- There was a Christmas tree business on the site but he was not aware from the highways team that this caused any major issues.
- The Parish Council had raised the point that there had not been a design and access statement making it difficult for them to consider the application.
- There was a view that it was not the right place to start a commercial enterprise.
- Whilst there had been rumours about what might happen on the site he recognised that the Committee was determining the application before it.

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

- Rural businesses could have difficulty finding sites. The site was suitable for its proposed use.
- The concerns of local residents that the use of a site could change was acknowledged. However, the proposed conditions clearly restricted the use of the site to an administrative function.
- The Parish Council's objection was noted.
- Additional conditions were suggested relating to the hedgerow, traffic, working hours and bat welfare and an informative requested making clear that the permission was solely for a facility for the administration of the business due to traffic concerns.

The Lead Development Manager commented that the conditions could be included. He added that the Transportation Manager had informed him that whilst the proposal was acceptable there would be concerns if there were to be any expansion of the facility. However, that would need to be the subject of another application.

The local ward member was given the opportunity to close the debate. He commented on the importance of the proposed conditions to ensure that there were restrictions to prevent traffic going to and from the site at all hours.

Councillor Phillips proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions relating to the hedgerow, traffic, working hours and bat welfare and an informative making clear that the permission was solely for a facility for the administration of the business due to traffic concerns. The motion was carried with 10 votes in favour, none against and no abstentions.

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

1. **A01 Time limit for commencement (full permission)**
2. **C06 Development in accordance with the approved plans**
3. **C10 Change of use only details required of any alterations**
4. **C57 Restriction on Use**
5. **C65 Removal of permitted development rights**
6. **CC2 External lighting**
7. **CAL Access, turning area and parking**
- 8 **The hours during which working may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

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

- 9 **None of the existing trees or hedgerows on the site shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10 **The garage and bat loft pursuant to planning permission ref: DCCE0009/1948/F shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

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. **The applicant's attention is drawn to the use permitted and advised that any expansion from this site is likely to result in a highways objection.**

76. 150041 - THE MASTERS HOUSE, ST KATHERINES, HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA

(Landscaping of the Master's House to enhance its setting.)

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

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Fran Robinson, a local resident, spoke in objection to the proposal. Ms R Sears, the applicant's agent, spoke in support.

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

She made the following principal comments:

- In principle she supported the proposal.
- She expressed a number of reservations relating to the sale of St Katherine's Barn and the implications for the successful landscaping of the area.
- She noted that one of the aims of the landscaping scheme had been to bring the complex of buildings together as a whole. It was important that this was achieved.
- Historic England had asked for car parking space to be moved back from the buildings to create an improved setting. A revised car parking scheme had been developed but was being dealt with separately from the planning application. This meant there was no assurance this would be achieved. She was concerned that the proposal might conflict with the alternative layout.
- The removal of 3 car parking spaces to the north would enhance the view of the master's house but these spaces were amongst the few that enabled people with reduced mobility, but without disabled badges, to access and exit their vehicles easily. Without agreement to the revised car park layout there was no indication as to whether these would be recreated elsewhere in the car park.
- The existing self-binding gravel was being carried into the Master's house, damaging flooring. It would be good to avoid further damage.
- The positioning of the planters would prevent the use of the space for market stalls and limit the utility for outside events. If the area between the Master's House and the car park was to be cordoned off and used for a market area in future the current landscaping proposals would not provide the necessary power supply points.
- The planters would also have a negative impact on the use of the outside space in conjunction with the use of St Katherine's Barn as a venue. Whilst that was a private enterprise the council should seek to ensure that the space was developed to achieve the best for the whole community.
- The scheme was welcome and an important investment in the public realm. However, she was keen for it to be ensured that the scheme integrated with plans for the car parking remodelling and that the completed project achieved the vision for the site.

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

- The Friends of the Master's House and Ledbury Civic Society supported the proposal.

- Whilst some car parking was necessary it was to be hoped that the future remodelling would maximise the benefits to the setting that could be obtained.
- The proposal had many attractive aspects.
- There wasn't total local support for the proposal. In particular it was suggested that there was a need for flexibility and to avoid restricting the possible uses for the area.
- It was also important that the potential to enhance the area was maximised.
- It was essential, as the Tree Officer noted and as was provided for within the conditions, that there was an effective management and maintenance regime. It was incumbent on the council to fulfil its responsibilities in this regard.
- The proposal did represent an enhancement, within the resources available and was consistent with policy.
- The scheme was an improvement but the area did deserve better, noting in particular the impact of the surrounding car park, but clearly resources did not permit an optimum solution.

The Principal Planning Officer referred to condition 3 requiring replacement planting, adding that the Friends of the Master's House had indicated a willingness to undertake maintenance as had other local groups. Whilst the proposal related to a small space, other parts of the surrounding area could be closed off, with appropriate permissions, to accommodate some larger events. He too hoped the opportunity would be taken to integrate any remodelling of the car park with the scheme to bring further improvement to the area.

The local ward member was given the opportunity to close the debate. She commented that she shared concerns about ensuring the long term maintenance of the area.

Councillor Holton proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, none against and no abstentions.

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **None of the lighting hereby approved shall be switched on from 11pm on any day until 7 am the next day during the period 1st April until 1st October in any calendar year, without the prior written consent of the Local Planning Authority.**

Reason: To safeguard protected species in accordance with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

3. **Any trees or plants that die, are removed or become seriously damaged or diseased within a period of five years from completion of the development must be replaced in the next planting season with identical species.**

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus

according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

4. Notwithstanding condition 3 above prior to commencement of the development hereby approved the following matter shall be submitted to the Local Planning Authority for their written approval:-

•A full written five year landscape maintenance plan including provisions to ensure that the new trees are managed to ensure that they become established, including information regarding formative pruning, regular watering schedule and additional mulch added and removal of weeds/grass.

No development shall commence until the written approval of the Local Planning Authority has been obtained. Thereafter the implemented development shall be managed in full accordance with the approved written landscape maintenance plan.

Reason: To ensure that the approved planting scheme becomes properly established as an inherent part of the wider landscaping scheme thus according with policy LD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

5. The development hereby permitted shall be fully implemented in accordance with the following approved documents:-

- Design and Access Statement (April 2018) – P0652-RE-5-001 Revision D;
- Landscape Sections – Drawing number DR-5-007 Revision B;
- Typical Tree Pits Details – Drawing number DR-5-010;
- Detailed Planting Plan 1 of 2 – Drawing number DR-5-008 Revision C;
- Detailed Planting Plan 2 of 2 – Drawing number DR-5-009 Revision A;
- Landscape Master Plan – Drawing number DR-5-002 Revision F;
- Application Site Plan – Drawing number co00378128/0512509/ ; and
- E-mail from Ruth Sears (One Ltd.) dated 01 August 2018 14:15.

unless otherwise approved in writing by the Local Planning Authority.

Reason:- For the avoidance of doubt and to ensure that the development is carried out in full accordance with the approved plans and documentation securing an appropriate high level of quality thus according with policies SS6, LD1 and LD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

6. E01/C47 – Site investigation – Archaeology

INFORMATIVE

- 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.

77. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 4.25 pm

Chairman

PLANNING COMMITTEE

**Date: 21 November 2018
(Afternoon)**

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

172156 - ERECTION OF DWELLING FOR AGRICULTURAL MANAGER AT HAZELFIELD, BROAD OAK, HEREFORD, HR2 8QZ

For: Mr Breakwell per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG

ADDITIONAL REPRESENTATIONS

The agent for the application has clarified that the farm has a total of 530 acres (of which 225 is for arable crops) with 165 cattle (60 of which are suckler cows) and 300 ewes with 475 lambs.

OFFICER COMMENTS

The Agricultural/Rural Business Consultant has been notified of the clarification but as they made their comments in light of these numbers originally, they stand by their appraisal.

NO CHANGE TO RECOMMENDATION

182130 - PROPOSED CHANGE OF USE OF RESIDENTIAL DWELLING TO OFFICE ACCOMMODATION AT NEW HOUSE FARM, NEW HOUSE FARM BARN, GRAFTON LANE, GRAFTON, HEREFORDSHIRE, HR2 8BL

For: Gamber Logistics Ltd per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

The Callow and Haywood Parish Council wish to reiterate that there is concern over the increase in traffic usage on the lane, particularly that of HGV, and they are still concerned about the lack of site plan, screening and potential hedge treatment at the location. It is hoped that these concerns will be considered when the proposals are assessed for possible progression.

OFFICER COMMENTS

These aspects are covered within the report and presentation.

NO CHANGE TO RECOMMENDATION