

Minutes of the meeting of Planning and regulatory committee held as an Online meeting on Wednesday 16 December 2020 at 10.00 am

Present: Councillor John Hardwick (chairperson)
Councillor Alan Seldon (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and William Wilding

In attendance: Councillors Kema Guthrie and Elissa Swinglehurst

50. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Graham Jones.

51. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews.

52. DECLARATIONS OF INTEREST

Agenda item 8: 201738 – The buildings at Tretawdy Nature Reserve, Llangrove

Councillor Fagan declared an other declarable interest as a member of the Herefordshire Wildlife Trust. She left the meeting for the duration of this agenda item.

Councillor Swinglehurst declared that she was a member of the Herefordshire Wildlife Trust but noted that she was present to fulfil the role of local ward member.

53. MINUTES

RESOLVED: That the minutes of the meeting held on 2 December be approved as a correct record.

54. CHAIRPERSON'S ANNOUNCEMENTS

None.

55. 201300 - LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE

(Proposed erection of 5 no. Dwellings and associated works.)

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.

He reported that Natural England had confirmed they had no objection to the submitted Habitat Regulations Assessment (HRA) Appropriate Assessment. The wording of the recommendation had been amended accordingly. He confirmed an amendment to this wording in that the application was for full planning permission, not outline. He also noted that Marden Parish Council had submitted a reviewed draft Neighbourhood Development Plan (NDP). This was at Regulation 14 stage and could be afforded limited weight.

In accordance with the criteria for public speaking for virtual meetings the following spoke at the meeting as virtual attendees: Mr R Lees of Marden Parish Council, who spoke in objection to the scheme, Mr M Britten, a local resident, speaking in objection; and Mr S Rhodes, the applicant, and Mr M Tompkins the applicant's agent speaking in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Guthrie, spoke on the application. She spoke in opposition to the application citing a number of policy grounds for refusal including provisions within the Marden Neighbourhood Development Plan (NDP).

The Committee discussed the application.

The Lead Development Manager clarified that two previous applications on the site that had been refused had been considered under the provisions of the former Unitary Development Plan to which the proposals were contrary. That Plan had now been superseded by the Core Strategy which identified Litmarsh as a location suitable for housing development. He reiterated that the Marden NDP could only be afforded limited weight. He did not consider that there were grounds to refuse the proposal on drainage, design or highways matters. He suggested there should be an additional condition relating to rainwater collection.

The local ward member was given the opportunity to close the debate. She reiterated that she considered there were policy grounds for refusal.

A motion to refuse the application was lost.

A motion to defer the application was lost.

A motion to approve the application was then carried on the Chairperson's casting vote.

RESOLVED (on the Chairperson's casting vote): That planning permission be granted subject to the following conditions, an additional condition relating to rainwater collection, and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 - Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**
3. **C13 - Samples of external materials**
4. **CBK - Restriction of hours during constructionHours of construction**
5. **C58 - Domestic use only of garages**
6. **C68 - Obscure glazing to windows**
7. **CAB - Visibility splay required (2.4m x 71m)**

8. CAE - Vehicular access construction
9. CB2 - Secure covered cycle parking provision
10. CK3 - Landscape scheme
11. CK4 - Landscape maintenance plan
12. CE6 - Efficient use of water
13. CBM - Scheme of foul and surface water drainage strategy
14. As detailed in the Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 all foul water shall discharge through connection to new private foul water treatment systems with final outfall to mound soakaway drainage fields on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2 and SD4.

15. All surface water shall be managed through a Sustainable Drainage Strategy as detailed in the Surface Water Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2 and SD3.

16. Prior to commencement of any construction approved under this consent, written confirmation from the Environment Agency on the acceptability of the mound soakaway drainage system approved under this planning consent shall be supplied to, and be acknowledged in writing by the Local Planning Authority.

Reason: In order to ensure compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

17. Prior to any construction above damp proof course level, details of how all shared elements of the foul water drainage and surface water schemes will be managed for the lifetime of the whole development approved under this consent shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

18. CE2 - Renewable energy installations

- Solar panels
- Air source heat pumps

- 19. Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present – including Otter, reptiles and amphibians, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3.

- 20. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehog houses and movement corridors should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitats on or off the site, boundary features or biodiversity net gain enhancements.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

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. I11 Mud on highway**

56. 193227 - LAND AT WHITE GATES FARM, LITMARSH, HEREFORD, HR1 3EZ

(Proposed erection of 2no. Dwellings with garaging.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings the following spoke at the meeting as virtual attendees: Mr R Lees of Marden Parish Council, who spoke in objection to the scheme, and Ms K Saunders who spoke in support of the application on behalf of the applicant.

In accordance with the Council's Constitution, the local ward member, Councillor Guthrie, spoke on the application. In summary, she commented that the site was close to the site of application 201300, the previous application on the agenda, and there were similar issues of concern including conflict with the Neighbourhood Development Plan. However, there were also other elements to take into consideration including local support from local residents. Two previous applications on the site had been approved.

The Committee discussed the application.

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

RESOLVED: That outline 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. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

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

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by section 92 of the town and country planning act 1990.

- 3 Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

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

- 5 C06 – Development in accordance with the approved plans**

- 6 C13 – Materials**

7 CCK – Details of slab levels

8 No development shall commence until the Developer has prepared and agreed a scheme for the comprehensive and integrated drainage of the site showing precisely how foul water will be dealt with; this shall be inline with the drainage report by Exploration & Testing Associates dated 30/06/2020 with all foul water shall discharge through new plot-dwelling specific package treatment plants with final outfall to a shared soakaway drainage field on land under the applicant’s control and, the scheme must include the provision of a drawing showing the layout of the two foul drainage fields and package treatment plants , that demonstrates compliance with BS 6297. The scheme shall be submitted to and agreed in writing by the local planning authority, the work shall be carried out in accordance with the approved scheme.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.

9 All surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant’s control unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4

10 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating:

- a) a Construction Traffic Management Plan (CTMP),**
- b) Construction Phasing and Routeing Plans, including construction traffic arrival and departure times,**
- c) onsite construction working hours**
- d) a method for ensuring mud is not deposited onto the Public Highway**
- e) a scheme for the management of all waste material arising from the site (i.e. stockpiles, waste soils, materials movements etc)**

shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, neighbouring amenity and to conform to the requirements of Policies MT1 & SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11 Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local

Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011- 2031

- 12 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Wilder Ecology dated March 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features. All fruit trees planted should be on full vigorous or 'seedling' rootstock 'full standard' trees as relevant to fruit type being planted**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006. To ensure traditional Orchard restoration is undertaken.

- 13 CAB (Visibility splays measuring 2.4m by 70m in each direction)**

- 14 CAE (Specification of Access)**

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be deal with.**

Reason: To prevent pollution of controlled waters and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 16 All planting, seeding or turf laying in the approved landscaping scheme pursuant to condition three) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 17 Before the development is first occupied, a schedule of landscape management and maintenance for a period of five years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.**

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

- 18 Prior to first occupation of any property approved under this permission the legally binding details of how all the shared aspects of the foul drainage scheme will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority**

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.

- 19 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by written and illustrative details of the number, type/specification and location of Electric vehicle charging points of at least one per dwelling, shall be submitted to and approved in writing by the local planning authority. The Electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

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

- 20 Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the dwellings are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

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

- 21 The stable building adjoining plot 2 as identified on the approved site plan, shall not be used for the housing of any livestock or animals from the date of the first occupation of either dwelling and shall remain so henceforth.**

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

INFORMATIVES:

- 1. IP2**

2. **Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permit Regulations (England and Wales) 2010.**
3. **Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permit Regulations (England and Wales 2010).**

57. 201738 - THE BUILDINGS AT TRETAWDY NATURE RESERVE, LLANGROVE, ROSS ON WYE, HEREFORDSHIRE, HR9 6EY

(Councillor Fagan left the meeting for the duration of this agenda item.)

The 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 for virtual meetings the following spoke at the meeting as virtual attendees: Mr P Lodge of Llangarron Parish Council, who spoke in objection to the scheme, Mr C Lyster, a local resident, speaking in objection; and Mr J Hitchcock speaking in support, on behalf of Herefordshire Wildlife Trust the applicant,

In accordance with the Council's Constitution, the local ward member, Councillor Swinglehurst, spoke on the application. In summary, she commented that there was considerable local opposition to the proposal, the consideration of which involved striking a balance between economic gain and the environmental cost. She considered that there were a number of objections to the proposal including that the local road network and the access to the site were inadequate for what would be a car dependent development making the proposal contrary to policy MT1; the existing buildings would not be capable of conversion without major reconstruction making the proposal contrary to policy RA5; the potential to support the local economy was limited; and there would be an adverse effect on the amenity of a neighbouring property; the design entailed a lot of glazing that would introduce light pollution; and the proposal would be contrary to policy LD2 (c) in that it would harm the nature conservation value of the site or species of local nature conservation interest. Any economic benefit would be limited.

The Committee discussed the application.

The Lead Development Manager commented that he considered it to be a well-designed proposal for modest holiday use. If the proposal were to be approved he suggested an additional condition relating to refuse collection.

The local ward member was given the opportunity to close the debate. She reiterated that there would be limited economic benefit to the local economy and this could not weigh heavily in the planning balance against the extent of the works that would be required to achieve the conversion of the existing buildings. She considered the grounds for refusal she had outlined, MT1, RA5 and LD2 stood.

The Lead Development Manager expressed reservations about advancing policies MT1 and LD2 as grounds for refusal given the consultation responses from officers set out in the report. Policy RA5 offered the most appropriate ground for refusal but he also had concerns about this given the views set out in the report.

A motion that the application be refused contrary to the officer recommendation on the grounds that the development was contrary to policies RA5, MT1 and LD2 was carried.

RESOLVED: That planning permission be refused on the grounds that the development was contrary to policies RA5, MT1 and LD2 and officers named in the Scheme of Delegation to officers be authorised to detail the reasons put forward for refusal by the committee.

58. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 1.26 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 16 December 2020

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

201300 - PROPOSED ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED WORKS AT LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE

ADDITIONAL REPRESENTATIONS

A total of 11 further letters of objection have been received – all of these are further objections to those made previously.

Natural England have no objection to the submitted Habitat Regulations Assessment (HRA) Appropriate Assessment. They make the following comments;

Internationally and nationally designated sites

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC), which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI).

In considering the European site interest. Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of the sites in question. Natural England agrees with the assessment conclusions. The proposal is to install package treatment plants with associated drainage mounds. These drainage mounds would need Environment Agency consent which the council intends to secure through conditions. If the council is satisfied that that this is appropriate then we have no further comments to make.

OFFICER COMMENTS

Whilst no new material planning considerations are raised which have not already been addressed in the committee report, some representations refer to the request for a Section 106 agreement being made by officers. It is confirmed that no such request has been made and the standard online commenting form template includes a box to comment on infrastructure from Section 106 to consider, where this is relevant to the application.

In respect of the response from Natural England, this confirms that the body agree with the AA undertaken by officers. The recommendation is thus updated as set out below.

CHANGE TO RECOMMENDATION

It is advised that the recommendation is changed to that as follows;

That outline 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:

201738 - PROPOSED DEVELOPMENT OF THE CONVERSION OF TWO SMALL REDUNDANT BARNES INTO A LUXURY 6-8-PERSON HOLIDAY LET. AT THE BUILDINGS AT TRETAWDY NATURE RESERVE, LLANGROVE, ROSS ON WYE, HEREFORDSHIRE, HR9 6EY

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ADDITIONAL REPRESENTATIONS

Climate change checklist completed in support of the application. Can be seen on the website under supporting documents.

Further objection received in relation to residential amenity and glazing fronting Tretawdy Farm House. This includes images available on Council's website.

OFFICER COMMENTS

The climate change checklist provides further detail of the sustainability measures the applicants are taking in this proposal, enhancing the policy support for the proposal.

The assessment of impact upon residential amenity is set out in paragraph 6.13 of the Officer's Report. It should be noted that the glazed addition to the roof in question would not impact residential amenity given the single storey nature of the buildings, whilst the first floor element to the west would be 1.91 metres from floor level to glazing.

NO CHANGE TO RECOMMENDATION