

**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 17 January 2018 at 10.00 am**

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

**Councillors:** BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, EJ Swinglehurst and SD Williams

**105. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor WC Skelton.

**106. NAMED SUBSTITUTES**

Councillor SD Williams substituted for Councillor WC Skelton.

**107. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**108. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 6 December 2017 be approved as a correct record and signed by the Chairman.

**109. CHAIRMAN'S ANNOUNCEMENTS**

None.

**110. APPEALS**

The Planning Committee noted the report.

**111. 163159 - LAND AT THE VOLUNTEER INN, MARDEN, HEREFORDSHIRE, HR1 3ET**

*(Demolition and clearance of the existing public house ('the volunteer inn') and erection of new family public house with rooms (uco class a3/a4), customer car park and relocated vehicular and pedestrian access.)*

*(Councillor Guthrie fulfilled the role of local ward member and accordingly had no vote on this application. Councillor TM James had not been present during part of the presentation and accordingly had no vote on the application.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Brook of Marden Parish Council spoke in opposition to the Scheme. Colonel J Roberts, a local resident, spoke in objection. Mr T Gregory, a Director of S & A Produce UK Ltd, spoke in support.

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

She made the following principal comments:

- The inn was a valued community facility.
- The applicant had not consulted the local community or the Parish Council. This was disappointing and a missed opportunity that had probably contributed to the number of objections to the application.
- The new building would be larger, with an emphasis on the restaurant and the provision of guest bedrooms. The scale and nature of the proposal was inappropriate for a small village like Marden.
- The Volunteer Inn had a C18 core and was of heritage value. She referred to the comments of the Service Manager Built and Natural Environment (Historic Buildings Officer) noting that he did not support the proposal.
- Part of the development would be outside the settlement boundary and in the open countryside.
- The parking provision would be insufficient leading to traffic problems.
- The access was on a narrow section of road opposite a bus stop. There were problems with speeding on the road and concern that increased traffic would create difficulties.
- The proposal was contrary to the principles of the National Planning Policy Framework (NPPF) in that it did not support the social role of development because the community had not been consulted and was contrary to the environmental role because it involved the demolition of the existing building. Weight should also be given to the Marden Neighbourhood Development Plan (NDP).
- The application should be refused because it was contrary to policies M5, M1 and M3 of the NDP, Core Strategy Policies RA6, RA3 and SS1 and the principles of the NPPF.

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

- Mindful of the difficulties public house businesses faced, the proposal appeared to be the best way to secure the future of such a business in that location.
- It was regrettable that the local community and Parish Council were so opposed to the application. The applicant could do more to engage with the local community. It was requested that the applicant should give consideration to how the building could be used as a community facility meeting local needs as well as those of others.
- The Historic Buildings Officer was opposed to the demolition of the existing building. The proposal was therefore in conflict with policy LD4.
- The Economic Development Manager objected to the proposed design, questioning the extent to which the proposal met local community needs.
- It was requested that the proposal to change the name of the public house should be reconsidered so retaining some historical connection.

In response to requests for clarification of the proposal's compatibility with the NDP the Acting Development Manager commented that the designation of a settlement boundary

within an NDP related to new housing development (M1). The provision in relation to the provision of a community facility was referred to at M5. This stated that any new or expanded facilities should be, wherever possible, located in or adjacent to the settlement boundary. The proposal did not therefore appear to be in conflict with the NDP.

The local ward member was given the opportunity to close the debate. She again highlighted the comments of the Historic Buildings Officer that the existing heritage assets had a level of significance for which retention should be considered a priority, and the weight of objections made by the local community.

Councillor Greenow proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 7 votes in favour, 4 against and 1 abstention.

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

1. **A01 Commencement of Development**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials and joinery**
4. **G10 Landscaping scheme**
5. **G11 Landscaping scheme – implementation**
6. **The recommendations (mitigation and enhancements) as identified in section 5 of the ecological report by DLA Ltd (dated August 2016); and in addition as stated in, the approved Natural England EPS Development Licence (Bats) shall be fully implemented unless otherwise agreed in writing by the planning authority.**

**Reason: To ensure that all species are protected 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 Act 2006.**

7. **Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**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**

8. **Prior to any materials or plant being brought on to site or any construction work commencing a detailed Construction Ecological Management Plan with appropriate risk assessments, mitigation and avoidance measures should be submitted for approval by the planning authority. This plan shall be implemented as approved unless otherwise agreed in writing by the planning authority.**

**Reason: To ensure that all species are protected 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 Act 2006.**

- 9. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.**

- 10. I16 Restriction of hours during construction**
- 11. F01 Restriction on hours of working and deliveries (Brewhouse)**
- 12. F06 Restriction on Use**
- 13. F30 Use as holiday accommodation**
- 14. H06 Vehicular access construction**
- 15. I41 Scheme of refuse storage (commercial)**
- 16. I33 External lighting**
- 17. CE7 Efficient use of water**
- 18. D13 – signing of contract before demolition**
- 19. Prior to the demolition of the building a detailed photographic record (including notes and surveys) shall be undertaken and then submitted to and approved in writing by the local planning authority.**

**Reason: To enable a record to be made of this building of historical and/or architectural interest and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework**

- 20. H17 Off Site works (footways)**
- 21. H27 Parking for site operatives**
- 22. H29 Cycle Parking Provision**
- 23. H16 Parking / Unloading provision (prior to occupation)**
- 24. H03 Visibility Splays**

## INFORMATIVES:

1. **Positive and Proactive**
2. **Licence requirements**
3. **Ecologist Advice about CEMP**
4. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"-7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. **H10 No drainage to discharge to highway**
6. **HN07 Section 278 agreement**
7. **HN04 Private apparatus in highway**
8. **HN01 Mud on highway**

*(The meeting adjourned.)*

### 112. **163158 - BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET**

*(Demolition and clearance of existing operational buildings and erection of new headquarters/administrative office building (uco class b1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car parking and modifications to form two separate vehicular accesses (to the new offices and to the operational farmstead/packhouse).)*

*(Councillor Guthrie fulfilled the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Brook of Marden Parish Council spoke in opposition to the Scheme. Mr T Gregory, a Director of S & A Produce UK Ltd, spoke in support.

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

She made the following principal comments:

- There had been no consultation with the local community.
- There was concern about the overall size and scale of the complex which implied substantial expansion of the business was planned especially in the context of a number of current planning applications on the site as reflected in section 3 of the report on the planning history. Marden was a small village and the scale of development was too great. The Parish Council had observed that the proposed office accommodation was over 50% larger than the existing provision. It would support a much smaller proposal.
- The access was off a narrow road and there was speeding traffic. The roads in the area generally were too small for a large and expanding business. The fabric of two grade II\* listed bridges were also threatened.
- It was accepted that the existing office accommodation was not fit for purpose but any replacement should be of a smaller scale. The design was also not appropriate for a rural area. The proposal was therefore contrary to policy M7 of the Marden Neighbourhood Development Plan. It was also contrary to Core Strategy policies E1 and RA6.
- She drew attention to concerns expressed by the Transportation Manager at section 4.6 of the report.
- If the application were to be approved the 30mph speed limit needed to be extended to the north encompass the lorry access point.

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

- The condition of the existing accommodation was poor and unsuitable for the company and its image. The proposal would benefit the business
- It would assist in keeping the business in Herefordshire.
- The applicant should improve its engagement with the local community.
- There was a consensus that the 30mph speed limit needed to be extended.
- The access represented an improvement.
- There would be benefit to the community in requiring the applicant to produce a travel plan.
- There was a question as to whether the expansion of the business and the scale of development on the site was such that it was no longer sustainable development and some of the business should be relocated, noting the narrowness of the road network and the dissatisfaction of the local community.
- It would be important to ensure that that the proposed works and developments would not have any adverse impact on the River Lugg/River Wye SAC-SSSI.

The Acting Development Manager commented that the applicant had indicated that they would be prepared to make a financial contribution towards a Traffic Regulation Order to permit an extension of the 30mph speed limit.

In relation to concern Members had expressed about the condition of Brook Farm, a listed building, he added that this was not a matter relevant to the application, however it would be brought to the attention of the enforcement team.

The local ward member was given the opportunity to close the debate. She highlighted the objection of Marden Parish Council that the application was contrary to the NDP and NPPF and the scale of the proposal meant that it should be refused.

Councillor Kenyon proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition in relation to the preparation of a travel plan and a requirement for the execution of a S106 agreement to secure monies for an extension of the 30mph speed limit. The motion was carried with 12 votes in favour, 1 against and 1 abstention.

**RESOLVED: That planning permission be granted, including a requirement for the execution of a S106 agreement to secure monies for an extension of the 30mph speed limit, 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. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F06 Restriction on Use**
5. **F14 Removal of permitted development rights**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **G14 Landscape management plan**
9. **CNS Drainage**

**No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.**

10. **CNS Contaminated Land**

**No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination,

incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

**11. CNS – Contaminated Land**

The Remediation Scheme, as approved pursuant to condition no. () above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

**12. CNS Contaminated Land**

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 dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

**13. CNS Ecology**

Prior to any materials or plant being brought on to site or any construction work commencing a detailed Construction Ecological Management Plan with appropriate risk assessments, mitigation and avoidance measures should be submitted for approval by the planning authority. This plan shall be implemented as approved unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected 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 Act 2006.**

**14. CNS Nature Conservation – Enhancement**

**Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme covering the site should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**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**

**15. H03 – Visibility Splays and visibility over frontage**

**16. H16 Parking unloading and access**

**17. H17 Junction improvements / off site works**

**18. H27 parking for site operatives**

**19. H29 Cycle parking**

**20. H6 Restrictions on hours of working during construction**

**21. CE7 Water Consumption**

**22. CC2 External Lighting**

**23. CB3 Travel Plan**

**INFORMATIVES:**

**1. INS - Positive and Proactive**

**2. Advisory Notes**

**The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

**The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers)**

Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. **Technical notes about the contaminated land conditions**

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4. **With reference to condition X above (CEMP)**

This plan should be detailed and cover all aspects of construction including delivery of materials, vehicle movements, air (dust and particulates) and water contamination (including accidental spillages and additional water usage and run-off). Further/updated Ecological surveys may be required in order to fully understand the local ecology and appropriately reference the SSSI/SAC designation, protected species and wildlife within the CMP. Lighting, Tree and hedgerow protection should also be considered and referenced.

5. **With reference to Condition X above (Biodiversity enhancement)**

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. As proposals for bat mitigation and enhancement are managed through the required EPS Licence at a minimum we would be looking for additional proposals to enhance bird nesting to be incorporated in to the new buildings or nearby retained features as well as consideration for amphibian/reptile refugia, hedgehog houses and invertebrate/pollinator homes within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

6. **HN07 Section 278 agreement**

7. **HN04 Private apparatus within highway**

8. **HN01 Mud on Highway**

113. **173680 - JOHN MASEFIELD HIGH SCHOOL, MABELS FURLONG, LEDBURY, HEREFORDSHIRE, HR8 2HF**

*Proposed 2-storey classroom block (attached to existing building), to provide 10 no. Classrooms to replace existing mobile classroom accommodation.*

*(Councillor Holton fulfilled the role of local ward member and accordingly had no vote on this application. Councillor Kenyon had left the meeting.)*

The Senior Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor EL Holton spoke on the application. She commented that the school needed to expand. It

had explored the options and the proposal was the best. It was considered that given the distance between the proposed development and the nearest properties there would not be a detrimental impact on the amenity of neighbouring residents.

In discussion it was suggested that the school could usefully take the opportunity provided by the development to educate pupils in the planning process and engage them with it.

Councillor James proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 13 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. **B02 Development in accordance with the approved plans  
Plan numbers 230-09; 230-02; 230-01; 230-06; 230-07; 230-08**
3. **C03 Matching external materials**
4. **F01 Restriction on hours of working – 0800-1800 Mondays to Fridays and  
0800-1300 on Saturdays.**
5. **H13 Access, turning area and parking**
6. **H21 Wheel Washing**
7. **I18 Scheme of foul drainage disposal**
8. **The mobile classrooms shall be removed prior to the first use of the new  
classrooms approved subject of this application.**

**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. **HN01 Mud on Highway**
3. **HN10 No drainage to discharge to highway**
4. **HN24 Drainage other than via highway system**

The meeting ended at 12.28 pm

**Chairman**

