

**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 25 July 2018 at 10.00 am**

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

**Councillors:** BA Baker, PJ Edwards, DW Greenow, JA Hyde, TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, J Stone and SD Williams

**In attendance:** Councillors BA Durkin and RJ Phillips

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, KS Guthrie and WC Skelton.

**12. NAMED SUBSTITUTES**

Councillor JA Hyde substituted for Councillor CR Butler and Councillor J Stone substituted for Councillor KS Guthrie.

**13. DECLARATIONS OF INTEREST**

**Agenda item 7: 181089 – Land at Porthouse Farm Tenbury Road Bromyard**

Councillor A Seldon declared a non-pecuniary interest as he had been a member of Bromyard and Winslow Town Council at the time the application had been approved.

**REVISED NATIONAL PLANNING POLICY FRAMEWORK**

The Lead Development Manager reported that the revised National Planning Policy Framework had been issued on the afternoon of 24 July. Officers would update references in the reports during their presentations. However, the Committee was requested to give delegated authority to officers to determine the granting or otherwise of planning permission at the meeting as directed by the Committee so that it could be established that any decision would not conflict with the new National Planning Policy Framework. If any conflict were discovered the relevant application would be brought back to the Committee.

**14. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 27 June be approved as a correct record and signed by the Chairperson.

**15. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**16. 180256 - PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN**

*(Proposed camp site and temporary dwelling.)*

The Committee had deferred consideration of the application at its meeting on 27 June 2018.

The Development Manager gave a presentation on the application highlighting matters the Committee had required further information on. An update was provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking Mrs R Rennick, the applicant spoke in support of the application

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

He made the following principal comments:

- He continued to support the application.
- The scheme was not just to provide a simple camping site but had many benefits.
- A dwelling was needed to enable the site to be managed. However, a three year temporary permission was appropriate.
- The relocation of the access was acceptable to the Transportation Manager.
- The hedge was of value but would be translocated.
- The road was similar to many in Herefordshire which were used by pedestrians. The amenities at Much Marcle were only one mile away.
- The project was viable, would benefit tourism, provide some employment and had community support.
- The introduction to the Much Marcle Neighbourhood Development Plan stated it was supportive of appropriate, sustainable development in the countryside.

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

- The scheme had benefits.
- One concern at the previous meeting had been the nature of the proposed dwelling. The amendments made to the proposed caravan and the granting of a temporary permission for it were in the application's favour.
- Another concern had been about whether access could be secured. The access had been improved.
- The possible impact on a nearby listed building appeared to have been addressed.
- The relocation of the hedge was an issue. Hedges were a valuable asset and it was important that the relocation was done properly.
- A concern was expressed that granting approval might set a precedent for development in the open countryside. There were also examples of such sites being extended over time.
- Account should be taken of the fact that whatever the merits of the application it was contrary to a range of Core Strategy policies and the Much Marcle Neighbourhood Development Plan as set out at Paragraph 6.39 of the report.

The Development Manager clarified that the temporary permission for the temporary dwelling, which fell within the definition of a caravan, would be reviewed after three years. At that point consideration would be given to whether the scheme was demonstrating that it was viable. The buildings associated with the development did not have permanent foundations and could be removed relatively easily if appropriate. He recommended that the temporary permission should apply to the buildings as well as to the dwelling.

The Lead Development Manager reminded the Committee of the three strands of sustainable development. Approving the application would not set a precedent because each application had to be determined on its own merits.

The local ward member was given the opportunity to close the debate. He considered the site was in an appropriate location. However, it would be important that the high standards it aspired to were maintained and that the hedge relocation was carried out properly. The granting of a temporary permission would allow for this to be reviewed.

Councillor Greenow proposed and Councillor Norman seconded a motion that the application be approved on the basis of policies SS5, RA6, E4 and SD1. The motion was carried with 8 votes in favour, 2 against and 4 abstentions.

**RESOLVED: That officers be authorised to grant a three year temporary permission applying to the dwelling and buildings on the basis that the application was supported by policies SS5, RA6, E4 and SD1, subject to conditions considered necessary by officers named in the scheme of delegation to officers and subject to there being no provision in the new National Planning Policy Framework that required the matter to be brought back to the Committee.**

*(The meeting adjourned between 10.55 and 11.05)*

**17. 181089 - LAND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD.**

*(Proposed construction of a suds drainage pond and associated works including the construction of a maintenance access roadway.)*

*(Because the application was by the Council's development partner Councillor Shaw as a cabinet member took no part in the debate and did not vote)*

The Development Manager (DM) gave a presentation on the application,

A Member drew attention to Bromyard and Winslow Town Council's objection to the application because of concerns about the high risk of flooding.

Attention was also drawn to the comments of the Ecologist set out at section 4.3 of the report and the importance of adhering to the conditions that had been recommended.

No comments had been received from the Land Drainage Engineer (LDE). The DM commented that there was already an approved drainage scheme for sustainable urban drainage and the impact on the River Frome had been previously considered.

It was suggested that officers should be authorised to approve the application subject to there being no objection from the LDE.

Councillor James proposed and Councillor Lloyd-Hayes seconded a motion that the application be approved in accordance with the printed recommendation, with appropriate delegations. The motion was carried with 10 votes in favour, 2 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 and subject to there being no objection from the Land Drainage Engineer, following consultation with the Local Ward Member and Chairperson, and there being no provision in the new National Planning Policy Framework that required the matter to be brought back to the Committee:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **Development shall not commence until a final Works and Engineering Programme has been submitted to and approved in writing by the local planning authority. The scheme shall include details and plan sections of the engineered profiles and gradients of the attenuation basin. The development shall be carried out in accordance with the agreed Programme.**

**Reason:** To ensure a satisfactory form of development and to accord with Policies LD2, SD1 and SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. **No development shall commence on site until an ecological survey and habitat enhancement scheme (based on the recommendations of the survey) which contains proposals to enhance the habitat on site for wildlife and biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

**Reason:** The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken in order to ensure that diversity is conserved and enhanced in accordance with the requirements of the NERC Act 2006 and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the 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 been finally removed.**

**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.

6. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.**

**Reason: In the interests of human health and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and 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, 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.**

**18. 174451/174452 - FORMER COACH HOUSE AND LAND AT WILCROFT, BARTESTREE, HEREFORDSHIRE, HR1 4BB**

*(Proposed change of use and conversion of former coach house to form a 2 bedroom dwelling together with provision of turning and parking facilities and private amenity area at former coach house.)*

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

The Development Manager (DM) gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs W Soilleux, of Bartestree and Lugwardine Parish Council spoke in opposition to the Scheme. Mr R Jones, a local resident, spoke in objection. Mr B Eacock, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He referenced the refusal of several previous applications as set out at paragraph 3.1 of the report. In his view nothing had changed that supported approval of the latest application.
- The proposal would bring the rights of the farmer to access his livestock shed into conflict with the proposed amenity space.
- The coach house was immediately adjacent to the livestock shed raising environmental health issues.
- The access lane should serve no more than 5 properties and this had already been exceeded.
- The proposal would have an adverse impact on the amenity of the existing farmyard and any residents who might occupy the property and was contrary to Core Strategy policy SD1 and Bartestree and Lugwardine Neighbourhood Development Plan (BLNDP) policy BL3 and the Parish Council did not support the application.

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

- Paragraph 7 of the appeal decision appended to the report stated that the development of the coach house was incompatible with the farm use. It was questioned how this objection was considered to have been overcome. The DM commented that the proposed amenity area and parking area for that application had

been ambiguous. In the absence of clarity the Inspector had not been prepared to grant permission. The amenity space had now been restricted to the area immediately in front of the coach house and the parking area was now set back. The space available to the farmer would be no different to the space currently available to him.

- The farm use involving livestock and hay storage presented a health and fire risk to a residential property so close to it. The proposal remained incompatible with the farm use.
- The proposal was contrary to the NDP and the Parish Council opposed the application.
- The access to the property was difficult.

The Lead Development Manager commented that it had been thought that the proposal could overcome the grounds that had led to previous refusals. However, it was clear that Members did not consider this to be the case. He outlined Core Strategy policies and the provisions in the NDP that could be advanced in support of the refusal of the application.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme.

Councillor Baker proposed and Councillor Williams seconded a motion that the application be refused on the grounds that it was contrary to Core Strategy Policies RA3, RA5 and SD1 and Bartestree and Lugwardine Neighbourhood Development Plan policies BL3 and BL6. The motion was carried with 12 votes in favour, none against and 1 abstention.

It was advised that it would accordingly be premature to approve the accompanying application for listed building consent.

**RESOLVED: That planning permission be refused on the grounds that the application was contrary to Core Strategy Policies RA3, RA5 and SD1 and Bartestree and Lugwardine Neighbourhood Development Plan policies BL3 and BL6 and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons together with refusal of listed building consent.**

**19. 180889 - LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB**

*(Proposed erection of 2 detached dwellings with detached garages.)*

The Lead Development Manager commented that because there were significant relevant provisions in the new National Development Framework of which account needed to be taken it was suggested that consideration of the application should be deferred and a site visit undertaken.

**RESOLVED: That consideration of the application be deferred pending a site visit and further information.**

**Appendix 1 - Schedule of Updates**

# **PLANNING COMMITTEE**

**Date: 25 July 2018 (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**

**180256 - PROPOSED CAMP SITE AND TEMPORARY DWELLING. THIS IS AN AMENDED APPLICATION THAT IS A RESUBMISSION OF APPLICATION NO. 172848 REFUSED 6TH OCTOBER 2017 AT PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN**

**For: Mr And Mrs Rennick per Mr Christopher Knock, Tinkers Grove Cottage, Eastnor, Ledbury, Herefordshire HR8 1RQ**

### **ADDITIONAL REPRESENTATIONS**

Following the publication of the updated report, the applicant has submitted an amended plan for the temporary dwelling and a revised access detail seeking to satisfy the concerns about the deliverability of the visibility splay.

### **OFFICER COMMENTS**

The omission of the veranda is such that the remaining structure satisfies the legislative definition of a caravan (twin unit caravan) and as such the use of a temporary condition would be practical in the event that permission is granted.

The position of the access has been changed in order to maximise the achievable visibility. It has moved further away from the nearest affected property, Playford.

The reference to the amount of hedgerow affected by the creation of the visibility splay is incorrect. The actual amount of hedgerow that would be transplanted is approximately 115 metres

### **NO CHANGE TO RECOMMENDATION**