

PLANNING AND REGULATORY COMMITTEE

Date: 11 March 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

193230 - PROPOSED DEVELOPMENT OF TWO RESIDENTIAL DWELLINGS INCLUDING NEW VEHICULAR ACCESS OFF THE HIGHWAY AT LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE

For: Mr Marshall per Mr Jon White, Oak House, Stockwell Lane, Aylburton Business Park, Aylburton, Lyd, GL15 6ST

ADDITIONAL REPRESENTATIONS

Since the report was published, two additional representations have been received – one objecting to and one supporting the application. The objecting representation was sent directly to Councillors. No new issues are raised with previous concerns including flooding, design, hedgerow removal and the application being assessed fairly being reiterated.

OFFICER COMMENTS

The concerns raised have been covered within the Committee report and do not require further comment

NO CHANGE TO RECOMMENDATION

193391 - PROPOSED REPLACEMENT DWELLING AND GARAGE AT HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR

For: Mr Hawkins per Mr Charles James, Clyde House, Church Walk, Viney Hill, Lydney, Gloucestershire GL15 4NY

ADDITIONAL REPRESENTATIONS

Since the report was published, one additional representation from the public has been sent to Councillors. This comments on the clearance of the site by the applicant.

Additional discussions with the Council's Contaminated Land Officer have also taken place in relation to potential contamination of the land and the storage of scrap vehicles. A precautionary condition is recommended and considered to be appropriate in this instance and this will also be able to consider other risks identified – although any evidence of asbestos in the property would be covered by other regulations and would be required to be removed in a controlled manner prior to development.

Following additional discussions with the Council's Tree Officer, a tree protection plan is recommended to protect the remaining trees along the western boundary. Those to the rear are included within a TPO relating to the common.

OFFICER COMMENTS

As stated within the Committee report at paragraph 6.32, it is noted that the site was cleared prior to the application being submitted. However, no protected trees or hedgerows were removed. While it is recognised that this action has not been received positively, no prior

approval or consent from the Local Authority was required for this work. There has been no breach of legislation in this regard.

The conditions recommended by the Contaminated Land Officer and Tree Officer will be added to the recommendation.

CHANGE TO RECOMMENDATION

On the basis of the comments received from the Council's Contaminated Land Officer and Tree Officer the following conditions are recommended in addition to those within the report:

1. 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.

2. The Remediation Scheme, as approved pursuant to condition no. (1) 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 and agreed in writing 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.

3. 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.

4. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning

authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

193578 - ERECTION OF AN AGRICULTURAL BARN TOGETHER WITH APPROPRIATE LANDSCAPING AND PLANTING AT BANBH FARM, BREINTON, HEREFORD, HR4 7PP

For: Mr Owen per Mr Leigh Martin, Procuro, St Owens Cross, Hereford, Herefordshire HR2 8LG

ADDITIONAL REPRESENTATIONS

The following representation was received on 8 March 2020;

“My brother and I own the land which adjoins this site on the eastern side and naturally we are interested in the outcome of this planning application. We are anxious that this field remains in agricultural use and if the applicant does what he says he will do there should be no problem for us. I would just like to point out one or two things which are stated in your report.

Firstly, there have been no cattle on this site for at least 20 years and not as stated in your paragraph 1.2.

The applicant does not own any other land close by other than this approx. 10 acres.

Visual mitigation trees.

The barn will not be visible from the south east because of the small coppice on our land. Should this read “south west”?

The eastern boundary of the site consists of an ancient hedgerow. The stock fence to the east of the hedgerow is NOT the boundary line. There is no adequate fencing on the applicant’s side of the hedge and whilst sheep have been grazing there from time to time recently, they have been able to penetrate the hedge and the only reason that they have not strayed further is because of our fence. This has resulted in the deterioration of the hedge. Strictly speaking, the ancient oak which stands in the north eastern corner is not actually on the applicant’s site as it is part of the hedgerow.

Although these comments may not be relevant to the application as a whole, it would be reassuring to know that if planning permission is granted then it would be on condition that adequate stock fencing is erected BEFORE stock is placed on the field.

Is this possible?”

In addition, the following letter has been received from Councillor David Hitchiner, the adjoining ward member.

“I regret that I will not be able to attend the planning committee on 11 March 2020 and would be grateful if you could draw the attention of the planning committee to this letter. I write as ward Councillor for Stoney Street which includes Eaton Bishop Parish Council who have objected to this planning application.

In particular, I support Eaton Bishop Parish Council's objections which are set out in their email dated 14th November 2019, those of Breinton Parish Council dated 20th November 2019 and the comments made on behalf of the Eaton Camp Historical Society dated 19th November 2019.

The application is described as for an agricultural barn to be used for the purpose of storing tools, equipment, machinery and feed supplies to support the grazing of up to 12 cattle and a small flock of sheep. The barn is stated as also to be used during the winter months to house cattle.

One has to be a little sceptical about what is really intended behind the application. Especially given the past history. Is it genuinely for the purpose of storing equipment etc and, in winter, to house cattle, and if it is, is it suitable for those purposes?"

OFFICER COMMENTS

As set out in the officer's report, the application proposes an agricultural building and therefore no change of use of the land is proposed with this application. Whilst the comment pertaining to the absence of any cattle on the site over the past 20 years is noted, it is clear that sheep have been grazing the land and that it is used for agricultural purposes. It has not been used for any other purpose and in this regard its lawful use is considered to be for agriculture

It has been clarified with the agent that the applicant owns 11.5 acres in Breinton, with the family owning a further 35 acres in Gloucestershire.

With regard to the comments made by the Landscape Officer, it is confirmed that when referencing 'visual mitigation trees' at Paragraph 4.6 of the officer's report, this should indeed be read as 'south-west' as opposed to 'south-east' as stated.

Whilst the comment with regard to the eastern boundary of the site are noted, this does not raise any new material planning considerations and it would not be relevant to planning to impose a condition requiring a stock proof fence. In any case, a landscaping condition is recommended which would address details of existing and proposed trees and hedgerow.

Noting the comments made by Councillor Hitchiner, members are advised that the application has been assessed on its own merits. The application seeks planning permission for the erection of an agricultural building on a site which is in agricultural use. Paragraph 6.10 makes reference to concerns with regards to the speculative use of the building. Any concerns about previous uses and/or future intentions are not material to the determination of the application.

NO CHANGE TO RECOMMENDATION