

**Supplement to the agenda for**

# **Planning and regulatory committee**

**Wednesday 16 October 2019**

**10.00 am**

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,  
HR1 2HX**

**Schedule of Updates**

**Public Speakers**

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# **PLANNING AND REGULATORY COMMITTEE**

**Date: 16 October 2019**

## **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**

**191288 - PROPOSED ERECTION OF FOUR DWELLINGS AND ASSOCIATED WORKS AT LAND AT OAKLAND'S PADDOCK, LANGSTONE LANE, LLANGARRON,**

**For: Mr & Mrs Farr per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR**

### **ADDITIONAL REPRESENTATIONS**

Members of the Planning Committee will have received a further representation from a local resident (Mrs Hitchen) who is unable to attend the Committee meeting. She has raised issues in relation to the progression of the NDP, reiterating her objection to the principle of development and the cumulative impact of further housing growth on the edge of Llangarron; the adverse impact of additional traffic volumes; the unsafe nature of walking to local facilities on the local road network; the visual impact of the development by reason of the levels and loss of hedgerow; the adverse impact of the development upon the setting of listed (Church of St Deinst) and unlisted (Trecilla Court) heritage assets; the unsuitability of the design and layout

### **OFFICER COMMENTS**

The content of this letter do not add further material consideration and are addressed within the current summary of objections and the Officers appraisal.

### **NO CHANGE TO RECOMMENDATION**

**191330 - ERECTION OF A SINGLE STOREY RESIDENTIAL DWELLING (C3) WITH GARAGE, PRIVATE DRIVEWAY AND CREATION OF NEW ACCESS INTO THE HIGHWAY AT LAND TO THE NORTH WEST OF IVY COTTAGE, GARWAY COMMON, GARWAY,**

**For: Mr Collinson per Mr Stuart Leaver, Singleton Court Business Park, Monmouth, NP25 5JA**

### **OFFICER COMMENTS**

For the avoidance of doubt, the Planning Committee are advised that the Councils Ecologist does not object to the application following the submission of the updated drainage strategy

Following on from the site visit it is confirmed that the existing septic tank is located within the garden that would be retained with Ivy Cottage. The applicant has since confirmed that the intention would be to pump foul waste up to the existing septic tank which would then discharge to an upgraded drainage field in compliance with the Building Regulations. The practicalities of this solution have been assessed as suitable by the Councils drainage

consultant and conditions 5 and 18 combine to secure the implementation of this solution on land within the applicant`s control.

#### **NO CHANGE TO RECOMMENDATION**

**190032 - PROPOSED DEVELOPMENT OF 8 HOUSES AND GARAGES. AT LAND TO THE WEST OF B4361, LUSTON, HEREFORDSHIRE,**

**For: Mr Brechtmann per Mr Edward Brechtmann, Kingsland Sawmills, Kingsland, Leominster, Herefordshire HR6 9SF**

#### **ADDITIONAL REPRESENTATIONS**

Subsequent to the publication of the Committee Report, Officers have been made aware that amended plans and supporting information has been sent direct to the Members of the Planning Committee by the Applicant. The additional information includes an amended drainage strategy; a site constraints plan; a village density plan; an amended Design and Access Statement; and a statement commenting on the content of the Committee Report.

#### **OFFICER COMMENTS**

The Applicant initially sent an amended drainage strategy and a selection of the additional supporting documents to the Case Officer shortly after the Committee Report was published and asked that these be considered in support of the scheme. Officers advised in response that the supplied amendments constituted a material change to the scheme which necessitated further consultation with relevant statutory bodies, internal colleagues and interested parties; and that there was not adequate time for this to be carried out in advance of the scheduled committee meeting. The Applicant was given the option of withdrawing the application from the agenda so that the additional information can be considered; however they have chosen not to do so. Officers therefore must advise Members that the application should be considered in its current form, and the amendments sent to Members should not be taken into account.

#### **NO CHANGE TO RECOMMENDATION**

**182607 - PROPOSED CREATION OF 4 NO. NEW DWELLINGS. AT LAND NORTH OF THE CORNER HOUSE, TEMPLE LANE, LITTLE HEREFORD CROSSING,**

**For: Mrs Kerby per Mr Tom Froggatt, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB**

#### **ADDITIONAL REPRESENTATIONS**

In light of comments regarding the movement of tankers to and from the site to empty cess pits, further comment from the Council's Transportation Manager have been requested. His response is as follows:

*I have had a look at this and an extra 24 movements a year (0.07 movements a day) is unlikely to be something that we can turn into a valid argument for the severe cumulative impact to the highway network as set out in the NPPF. I have looked at the traffic flow data and this is Circa 100 vehicles per day so in the context of these numbers the increase is minimal, even with the trips associated with the dwellings.*

*The junction with the A456 is located close to the site, and this junction, whilst not ideal, is capable of handling the traffic as it is currently used to access agricultural businesses and the open countryside.*

*As a result the change to the drainage strategy does cause additional trips, but not to a point we could object to.*

Further correspondence has been received from Brimfield and Little Hereford Group Parish Council. Their comments read as follows:

*This application does not adhere to policy BLH5 3a in our Neighbourhood Plan and will adversely affect neighbours enjoyment regarding access, traffic, drainage and light pollution for the reasons outlined below.*

*In addition, despite there not being a 5 year land supply in place, the Neighbourhood Planning Team advise that proportional growth has been achieved. Whilst the application may accord with BLH5 regards its location being within or adjacent to a settlement, given the strong local feeling regarding this application, our original comments stand and this application should be refused.*

*Despite revised plans, it is clear from comments made by the Land Drainage Officer that suitable surface water run off procedures have not been proposed and permission to connect to the existing watercourse required has not been identified.*

*We note that cesspits are now considered viable by the Land Drainage Officer, but we would question this viability regarding the frequency they need to be emptied and the impact on neighbours regarding increased traffic movements.*

*Strict rules upon the occupant to empty their cesspit will need to be a condition of planning given potential environmental implications if this is not adhered to.*

*The Parish Council are currently considering purchasing road signs through the community commissioning model advising road users that pedestrians, particularly children, are walking down this road frequently. It is a dangerous road and junction. There has been an increase in traffic, farm machinery and lorries due to developments that have taken place further up the lane. Creating further traffic, in particular heavy traffic, at this point as well as a further access would not be in the best interests of local residents and road safety.*

*Light pollution also remains a concern, given the heightened positioning of the properties, this would adversely affect neighbours in the surrounding properties.*

*Given the length of time this application has been pending and with the above serious material considerations not having been addressed, this application should be refused.*

Further correspondence has also been received from the applicant's agent:

*Cesspools have been sized in accordance with Part H of the Building Regulations. As per the land drainage officer comments, Part H states that "typically they require emptying on a monthly basis by a licenced contractor" however the information included within the initial application form – ie. cesspits being emptied on an 8 week cycle – was the result of a conversation I had with a local contractor Mayglothing Waste and we believe that 'monthly'*

would be a worse case scenario. Even in this instance, I note that highways have raised no objections.

Surface water run-off can be addressed in accordance with the land drainage comment recommendations, with the 40% climate change rate presenting no problems.

## **OFFICER COMMENTS**

The Parish Council's comment that the proportionate growth target for the neighbourhood area has been achieved is correct. However, Members will be mindful of the fact that the proportionate growth targets should not be viewed as a ceiling on development. The majority of development has either taken place in, or is committed to Brimfield. As far as officers are aware, no other proposals have come forward for open market housing development in Little Hereford. The proposal for four dwellings is considered to be proportionate in the context of its immediate surroundings.

The comments from the applicant's agent comment on the capacity of the cesspits and the frequency at which they will be required to be emptied. The matter is addressed through a combination of condition 12 and the resolution that permission is granted subject to the completion of a Section 106 Agreement requiring that a mechanism is put in place to ensure that disposal is appropriately monitored.

The Council's Transportation Manager has provided further comment in respect of additional vehicle movements associated with the emptying of cesspits. It is not considered that this will give rise to cumulative highway impacts such that the application could be refused on such grounds.

## **NO CHANGE TO RECOMMENDATION**

**184593 - CHANGE OF USE OF EXISTING ANNEX INTO HOLIDAY LET ACCOMMODATION AT WOODMILL COTTAGE, OCHRE HILL, WELLINGTON HEATH, LEDBURY, HR8 1LZ**

**For: Mr & Mrs Clack per Mr John Kendrick, Procuro, St Owens Cross, Hereford, Herefordshire HR2 8LG**

## **ADDITIONAL REPRESENTATIONS**

Following the publication of the committee report, a further representation has been received on behalf of four objectors, who are unable to attend the meeting, which has been circulated to members in advance. The representation is fully replicated below:

*"We are sorry but unfortunately it is not possible for any of the undersigned objectors to attend this meeting. However, we really want the Committee to know how strongly we feel about this proposed development and if permitted, the effect it will have on residents of Ochre Hill and the local area.*

*We cannot stress enough the impact such a development will have on us. Over the past three years planning permission has been granted for three additional houses on Ochre Hill which has resulted in considerable disruption and damage to the surface, the hedges and verges of Ochre Hill. It really is not suitable for such constant excess use. Ochre Hill is a footpath and has and is maintained at the expense of residents.*

*It is not disputed that the residents have vehicle access. However, the number and type of vehicles using Ochre Hill has increased significantly to such an extent that it is hard to see how much longer the surface can be sustained. There is already evidence of cracking. We would stress again that Ochre Hill is entirely unsuitable for the anticipated additional use associated with a holiday let.*

*Highway Safety is a real concern. Ochre Hill is not a safe footpath. It is unlit, has no footways and is very narrow. Vehicles must travel with care and be mindful of the blind bend and the junction at the bottom of Ochre Hill joining with the public highway.*

*The anticipated intensive and frequent activities associated with a holiday let would have an adverse impact on the living conditions of current and future occupants of surrounding residential properties. Potential noise and general disturbance are inevitable if the development is permitted.*

*In addition to the above:*

*The application site falls outside the Wellington Heath settlement boundary identified in the Neighbourhood Development Plan. The proposal is therefore contrary to policy and unacceptable in principle.*

*We believe that the proposed development's location would make it impossible to have the best use of sustainable transport modes. There is limited public transport for the area and it would therefore create a dependence on the private vehicle resulting in potential material harm to the environmental dimension of sustainable development.*

*The owners of Woodmill Cottage have made reference to the fact that this development will generate employment in the area. However, they confirmed at the Wellington Heath Parish Council meeting held on 21 May 2019 that they would in fact be the sole "employees".*

*We are especially concerned to note that within Condition 12 of the Planning Officer's reports it refers to "holiday lodges" and not a holiday let. It seems unclear as to the intention of the owners of Woodmill Cottage relating to future developing.*

*The proposed development has not received one letter of support from any of the residents living on Ochre Hill. Our plea to you is that you consider the adverse impact such a development will have on the day to day lives of us, the residents of Ochre Hill who are not associated with the holiday let.*

*We would respectfully please ask that you refuse this planning application".*

## **OFFICER COMMENTS**

Further to the additional submission made by objectors, such matters have already been addressed in the officers' report for this agenda item between sections 6.1 through 6.24 inclusive, as well as consideration of the planning balance between sections 6.25 through 6.30. Officers believe the proposal is policy compliant as detailed within the report and that the application is a change of use to which the settlement boundary for Wellington Heath, as identified in the NDP, does not apply.

Members' attention is drawn to condition 12, in respect that it does refer to 'holiday lodges' and not to a holiday let. This is a grammatical error on behalf of the officer and condition 12 is revised below, for avoidance of doubt.



## **CHANGE TO RECOMMENDATION**

Minor change to the list of recommended conditions to fully reflect the associated report.  
Condition 12 should read as follows:

*“Condition 12. The holiday let hereby permitted shall only be used for holiday purposes by tourists only. As such, no person or group of persons shall occupy the accommodation for more than 28 days consecutive days at a time and no same person or group of persons shall occupy the accommodation for more than 156 days in any one calendar year. The owners/operators of the site shall maintain an up- to-date register of the names of all occupiers of the accommodation and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.*

*Reason: Having regard to Policies RA2, RA3 and SD1 of the Herefordshire Local Plan – Core Strategy; Policies WH1, WH6 and WH17 of the Wellington Heath Neighbourhood Development Plan and the National Planning Policy Framework, the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to its proximity to Woodmill Cottage and as such, allow for sole use as holiday accommodation”.*



# PLANNING AND REGULATORY COMMITTEE

16 October 2019

## PUBLIC SPEAKERS

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr & Mrs Farr per Mr Matt Tompkins	Proposed erection of four dwellings and associated works at <b>Land at Oakland's Paddock, Langstone Lane, Llangarron</b>	191288	23
		<b>PARISH COUNCIL</b>	<b>MR P LODGE (Langarron PC)</b>	
		<b>OBJECTOR</b>	<b>DR P HARRIES (Local resident)</b>	
		<b>SUPPORTER</b>	<b>MR M TOMPKINS (Applicant's agent) and MRS F FARR (Applicant)</b>	
7	Mr Collinson per Mr Stuart Leaver	Erection of a single storey residential dwelling (C3) with garage, private driveway and creation of new access into the highway at <b>Land to the north west of Ivy Cottage, Garway Common, Garway</b>	191330	43
		<b>PARISH COUNCIL</b>	<b>MRS C CAMPBELL (Garway PC)</b>	
		<b>OBJECTOR</b>	<b>DR B MCGINLEY (Local resident)</b>	
		<b>SUPPORTER</b>	<b>MR P COLLINSON (Applicant)</b>	
8	Mr Edward Brechtmann	Proposed development of 8 houses and garages at <b>Land to the west of B4361, Luston, Herefordshire</b>	190032	61
		<b>PARISH COUNCIL</b>	<b>MR G POULTON (Luston Group PC)</b>	
9	Mrs Kerby per Mr Tom Froggatt	Proposed creation of 4 no. new dwellings at <b>Land north of The Corner House, Temple Lane, Little Hereford Crossing</b>	182607	87
		<b>OBJECTOR</b>	<b>MR E MOLLOY (Local resident)</b>	

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10	Mr & Mrs Clack per Mr John Kendrick	Change of use of existing annex into holiday let accommodation at <b>Woodmill Cottage, Ochre Hill, Wellington Heath, Ledbury, HR8 1LZ</b>	184593	<b>109</b>
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