

Supplement to the agenda for

Planning and regulatory committee

Wednesday 15 January 2020

10.00 am

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

Supplement: Schedule of Updates/Public Speakers

Schedule of Updates

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Public Speakers

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PLANNING AND REGULATORY COMMITTEE

Date: 15 January 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

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

Following the publication of the Officer Report, it is understood that a letter was sent direct to Members of the committee by the Applicant on the 13th January 2020.

OFFICER COMMENTS

The letter supplied to Members by the Applicant is extensive and expands upon the case already set out within the supplied Design and Access Statement whilst providing a critique of the Officer Report. In broad terms, it is not considered that the letter raises any additional material points which have not already been addressed in the Officer Report.

The letter does make comment however on the current situation regarding development in the River Lugg catchment of the River Wye Special Area of Conservation (SAC). Members will be aware of the current situation regarding the failing conservation status of the River Lugg and the implications this is having for development proposals in the catchment which require screening under the Conservation of Habitats and Species Regulations 2017. A detailed appraisal of the application in this regard is set out at sections 6.55 to 6.63 of the Officer Report. At the present time, the LPA is unable to positively screen the proposal and must conclude that it has an adverse effect on the integrity of the River Lugg / River Wye SAC. An Appropriate Assessment has been undertaken to this effect and Natural England have confirmed that they agree with its conclusions. The application therefore fails to meet the requirements of the Conservation of Species and Habitats Regulations 2017 and is contrary to Policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out at Paragraphs 174-177 of the National Planning Policy Framework.

The letter from the Applicant puts forward the suggestion that if Members are minded not to agree with the non-HRA related reasons for refusal, they could defer a decision on the application pending a solution to the current situation in the River Lugg catchment being found or alternatively approve the application subject to conditions preventing occupation of the dwellings until the situation is resolved. In relation to the latter suggestion, Officers would advise that this would not be appropriate as the obligation to screen the proposal under the Habitats Regulations must be discharged at the point permission is granted and at present it is not possible to carry out a positive assessment in these terms. Any condition limiting the occupation of the dwellings until an unspecified point in time when the Lugg situation has been resolved would also fail to meet the tests of precision required by the NPPF. Therefore if members are minded to otherwise support the application the resolution would need to delegate the decision to officers to approve subject to a positive HRA.

NO CHANGE TO RECOMMENDATION

192317 - ERECTION OF A SINGLE DWELLING AND GARAGE FOR OCCUPATION BY SITE MANAGER AT DOCKLOW POOLS, DOCKLOW, NR LEOMINSTER, HR6 0RU

For: Mr Bozward per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

Letter from Applicant

A letter from the applicant has also been submitted directly to members on 13th January 2020. Again, this is replicated below for understanding,

“Having read the officer report, I feel moved to write to clarify one or two points that might otherwise be misunderstood.

The business was established by my parents in the 1970s and has expanded steadily ever since to now comprise 140 acres of land, with 14 coarse fishing pools, 50 chalets, tackle shop and the successful Fisherman’s Arms Public House and Restaurant. I have worked for the family business since leaving school and am now General Manager. I have been involved personally in virtually all facets of the business since childhood, established the tackle shop, overseen and been involved in the construction of the guest accommodation on site and the pub/restaurant. I also oversee pond and grounds maintenance, work shifts in the pub/restaurant, deal with procurement and any and all matters arising on a daily basis. There is nobody else with my wealth of knowledge and experience across the site and various elements of the business.

Since my early 20’s I have been living in ‘digs’ besides and above the pub/restaurant. The officer report describes this accommodation as a ‘dwelling’, which I feel overstates the situation. My partner and I have a ground floor kitchen and living room that is separated from the pub/restaurant by an internal door (which opens directly onto the restaurant) and a bedroom above, adjacent the guest letting rooms. There is no private amenity space or separation from the business, the accommodation being surrounded on other sides by visitor parking.

This was acceptable in my 20’s, but during that period the business and my role within it has expanded very significantly. My circumstances have changed professionally and personally, whereby I now have a partner and a continued necessity to be present on site 24/7, but no suitable accommodation to enable me to do so sustainably. Having given it careful thought, we’ve chosen an unobtrusive site for a modest dwelling on land that is already partially developed and to which access already exists. This site would afford me modest separation from the hub of the business whilst being within sight and sound of all that needs my oversight. It would also give me and the business added security and on a personal level, the ability to start a family.

The officer report suggests that I could purchase accommodation off site and install a site manager in my present accommodation. Firstly, this significantly underestimates the importance of my continuous presence on site 24/7 and secondly, suggests I could find a site manager who would be prepared to live in my current accommodation. I’d question whether this is realistic given the scale of the business.

Finally, as you'll note, the application has met with support from the Parish Council and that adjoining and there are numerous letters of support. I am perfectly content to accept any restrictive occupancy condition and any other conditions that might be necessary. I can assure you the intent behind this application is entirely genuine.

Thank you for taking the time to consider this email.

OFFICER COMMENTS

Members will also note that a letter has been directly submitted from the applicant, justifying why permission should be granted. Officers would reiterate again that the applicant confirms that he is already present on site and demonstrates that accommodation can be provided within an existing building, contrary to point 1 under Policy RA4 of the Core Strategy. Indeed, such matters regarding the principle of development, have already been covered IN sections 6.1 through 6.20 inclusive within the report.

Finally regarding the Phosphates issue if members are otherwise minded to support the application the resolution would need to delegate the decision to officers to approve subject to a positive HRA.

NO CHANGE TO RECOMMENDATION

PLANNING AND REGULATORY COMMITTEE

15 JANUARY 2020

Public Speakers

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Edward Brechtmann	Proposed development of 8 houses and garages at Land to the West of B4361, Luston, Herefordshire	190032	43
PARISH COUNCIL SUPPORTER		MR G POULTON (Luston Group Parish Council) MRS M ALBRIGHT (Applicant)		
7	Mr Buchanan per Mr Russell Pryce	Application for approval of reserved matters following outline approval 161674/O (construction of three dwellings and alterations to the existing access) for appearance, landscaping, scale at Land to the rear of the Laurels Veterinary Practice, Pontrilas Road, Ewyas Harold, Herefordshire	193156	83
8	Mr Bozward per Mr Ed Thomas	Erection of a single dwelling and garage for occupation by site manager at Docklow Pools, Docklow, nr Leominster, HR6 0RU	192317	93
SUPPORTER		MR S BOZWARD (Applicant)		
9	Ms Boughton per Mr David Kirk	Proposed development of two dwellings at Steepways, from St Wolstons Road to Nythfa property, Welsh Newton, Herefordshire, NP25 5RT	191286	111
OBJECTOR		MS S PARKINSON (Local resident)		

10	Ms Boughton per Mr David Kirk	Proposed new dwelling at Woodside Stables, Welsh Newton Common, Welsh Newton, Herefordshire, NP25 5RT	190827	135
OBJECTOR MS S PARKINSON (Local resident)				