

Supplement to the agenda for

Planning and regulatory committee

Wednesday 29 September 2021

10.00 am

**Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2
7BP**

Schedule of Updates

Public Speakers

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PLANNING COMMITTEE

Date: 29 SEPTEMBER 2021

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

210640 - APPLICATION FOR REMOVAL OF CONDITION 5 AND THE VARIATION OF CONDITION 16 FOLLOWING APPLICATION NO: 163902/F (DEMOLITION OF 5NO. EXISTING REDUNDANT AGRICULTURAL OUTBUILDINGS TO FACILITATE EXPANSION OF EXISTING RESTAURANT AND FOLLOWING EVENTS FACILITIES: FUNCTION SUITE, FINE DINING RESTAURANT AND LOUNGE, CONFERENCE SPACE AND 16NO. AT CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, WR6 5SG

For: Mr E Evans per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS

OFFICER COMMENTS

At paragraph 2.1 of this agenda item, it needs to be confirmed that the Core Strategy is now in review. This should read as follows: *“The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. From reviewing those policies most pertinent to the determination of this application, they are viewed to be entirely consistent with the NPPF and as such, significant weighting can be afforded to these policies”.*

NO CHANGE TO RECOMMENDATION

210373 – PROPOSED DEMOLITION OF FARM BUILDINGS AND CONSTRUCTION OF 14 DWELLINGS WITH ASSOCIATED ACCESS. AT LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE,

For: Mr Sambrook per Miss Stephanie Cain, Lowfield, Marton, Welshpool, SY21 8JX

ADDITIONAL REPRESENTATIONS

Highways England, now renamed **National Highways** comments –

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to P210373/F and has been prepared by Priya Sansoy, Assistant Spatial Planner at National Highways.

This consultation relates to the seeking of full planning consent for the proposed demolition of farm buildings and the construction of 14 affordable dwellings with associated access at Land off Wyson Lane, Brimfield, Herefordshire. The development site is located approximately 40 metres west of the A49 Trunk Road boundary therefore has no common boundary with the SRN. It is apparent from satellite imagery that the development site which currently constitutes vacant farm buildings appears to be served via an existing shared direct access on the A49 Trunk Road, although it is noted that the existing means of vehicular access to the site has not been disclosed within the submission. The A49 direct access is shared with Rose cottage and Alma House.

Access

Proposed access

The development is proposed to be solely served via an existing private access road to the south of the site which abuts the site and is under the current ownership of the applicant. Physical means of enclosure are proposed around the perimeter of the site to ensure access to and from the site is restricted as per the site layout proposed. The private access road has recently been constructed to serve a 10-unit housing development named 'The Coppice' and has been confirmed by the Local Highway Authority as not suitable for highway adoption due to drainage issues. The private access road connects onto Wyson Lane which is a narrow rural lane and is maintained by the Local Highway Authority.

Access to SRN

The nearest point of access / egress onto the A49 Trunk Road (Brimfield Bypass) from the site is via the Wyson Lane / A49 all movement Priority junction situated approximately 370 metres east. The SRN junction is not considered to have any existing highway safety or operational issues on review of the latest Crashmap 5-year accident data and live google traffic data. The scale of development is not considered to generate significant traffic movements within the SRN peak period therefore the minimal intensification of use of the Wyson Lane / A49 Priority Junction as a result of the development proposal is considered unlikely to give rise to any adverse highway safety and operational impacts. National Highways would therefore raise no concern to the proposed means of access off Wyson Lane.

Existing access to the site and private access rights

Limited detail has been submitted in regard to the existing means of vehicular access to the site which has raised some potential concerns. On review of satellite imagery of the site and surrounding area, it is apparent that the site may have been previously / historically linked to Rose Cottage and Alma House and accessed via the existing A49 direct access. It is unclear whether any private access rights may have been retained by the developer on transfer of the land which may permit the site to be accessed via the A49 direct access on some capacity. The retention of any private access right, proposed change of use of the land and potential impact on the A49 direct access is a material consideration to the determination of this application and National Highways would therefore ask for the applicant to provide further details regarding land transfer to confirm whether a legal access right exists and/or has been retained. Ultimately the existing A49 direct access is of a substandard design due to its DMRB non-complaint geometric layout and junction visibility splays therefore any intensification or change of its use as a result of the proposal is unlikely to be supported by National Highways in its present form. If private access right has been retained, the applicant will need to provide full details of the required use of any private access right connecting the development site to the A49 Trunk Road via the existing direct access for National Highways to consider further. To safeguard the integrity of the SRN, National Highways may request that any existing private access rights to the A49 Trunk Road from the development site are stopped up via the appropriate legal mechanism.

Construction/ service access

No details have been provided in regard to any Construction Management Plan and particularly the proposed means of vehicular access to the site during the temporary construction phase of the development. National Highways request that further detail is provided by the applicant in regard to the proposed temporary construction access to the site.

As the site is proposed to be served via a private access road, details of the refuse / recycling bin collection point should be provided as it is typical for council refuse vehicles to operate a kerbside collection from the adopted highway. As the site is situated at the end of the cul-de-sac close to the A49 Trunk Road, council operatives may intend to collect from the A49 (T) which may give rise to a highway safety concern affecting the SRN. It is requested that the applicant provides further detail on the proposed servicing arrangements and provides evidence from the council's

refuse collection team that the servicing arrangement will be adopted in practice. Boundary related matters and Environmental Impact.

The A49 Trunk Road is elevated above the ground level of the site and the development site is suitably set back from the SRN. Therefore, it is considered any boundary related or environmental impact would not give rise to any adverse issue which may affect the safe operation of the A49 Trunk Road and National Highways legal responsibilities as a Strategic Road Company.

Recommendation

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice, to allow the applicant time to submit additional supporting information.

OFFICER COMMENTS

It is noted in itself, Highways England has no objection to the 14 dwellings with regards the impact of vehicular movements from the proposal on the strategic road network with regards access to it via Wyson Lane. The concern is with respect to any residue access rights to the North and directly on to the A49.

With regards to Existing access to the site and private access rights, There will be no new residential access to the development via the access to the north from the A49. Boundary treatments and layout prevent this. Furthermore officers can recommend a condition to this effect with details of the 'stopping up'.

With regards to Construction / service access, A Construction Management Plan is set to be a condition, the information required by National Highways could be submitted as part of these conditions and discharge of them only with formal consultation and written agreement from them.

However, it is noted without further details on what, if any, legal access rights are retained to and from the site to the A49 a holding objection remains. As such and on National Highways satisfaction this addressed, the application can still be assessed and determined by Planning Committee with the amended recommendation, below –

CHANGE TO RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, in accordance with the Heads of Terms stated in the report and National Highways confirming either no objection or no objection subject to conditions they require, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

Notwithstanding the above, A further additional Compliance Condition is recommended for clarity and completeness –

At no time shall the means of enclosure shown on the approved plans listed under Condition 2 be removed (unless being replaced on a like for like basis) and/ or any access, whether pedestrian, vehicular or other modes of transport, be facilitated through the site to enable access to the A49 road.

For the avoidance of doubt vehicular access to and from the site shall be through The Coppice only.

Reason: In the interests of highway safety, to ensure the safe flow of traffic on the A49 strategic road and to comply with Herefordshire Core Strategy policy MT1 and the relevant aims and objectives of the National Planning Policy Framework.

210222 - APPLICATION FOR CHANGE OF USE FROM AGRICULTURE TO SITING TWO YURTS FOR HOLIDAY USE WITH THE ACCOMPANYING CONVERSION OF ONE GARAGE BAY (OF A PAIR OF GARAGE BAYS PLUS WORKSHOP) TO PROVIDE TWO BATHROOMS AND TWO DISHWASHING FACILITIES AT WILLEY LANE FARM AT TOGPEN, WILLEY LANE, LOWER WILLEY, HEREFORDSHIRE,

For: Mr Murray per Mr Paul Murray, Togpen, Willey Lane, Lower Willey, Presteigne, Herefordshire LD8 2LU

No additional representations have been received in respect of this application and there are no updates required to the Officer Report.

202412 - ERECTION OF 1 NO. DWELLING AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, OUTBUILDINGS, INFRASTRUCTURE, LAKE CREATION AND OTHER ENGINEERING WORKS AT FLOW HOUSE - LAND NORTH OF SHEEPCOTTS COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ

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

ADDITIONAL REPRESENTATIONS

Since the publication of the officer report, three further representations have been submitted. The first is submitted on behalf of the British Horse Society:

“The British Horse Society is the UK’s largest equestrian charity representing the UK’s 3 million horse riders. The objections to the proposed development are in regards to its impact on bridleway UW1, part of the Three Rivers Ride, which was conceived by Brenda Wickham, a British Horse Society volunteer, as a link from Worcestershire to Herefordshire to Wales, opened in 2002. Horse riders have access to only 22% of the public rights of way network, therefore existing routes must be protected especially as the roads become less and less safe.

The BHS requested the following in October 2020:

1) Please provide a clear specification regarding the surfaces for the bridleway for the full extent of the route where it lies within the development area as this is not clear from the plans so that the suitability for horse riders can be assessed. Surfaces must be suitable for equestrian use therefore not constructed of a slippery material such as tarmac or concrete. Please see relevant guidance: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>

2) The proposal suggests the addition of gates on the route. Gates are an obstruction on a public right of way and should not be considered unless to prevent the ingress or egress of livestock. Please provide assurance that gates will not be installed on the public right of way.

3) The development would increase traffic during the construction stage and beyond. Please provide a provisional Site traffic management plan for the build and an assurance of how traffic crossing the public right of way would be managed. Please see relevant guidance: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>

The BHS has not had any response or engagement from the planning applicant or their representatives in the interim at the time of writing this correspondence. The BHS therefore reiterates the above comments and requests further discussion regarding how best to safeguard the Three Rivers Ride public right of way for the safety and enjoyment of all walkers, cyclists and equestrians.

Should the planning permission be granted, the BHS respectfully requests that Herefordshire Council incorporates conditions to the permission which require the applicant to fully engage with Herefordshire BHS and the Council's Public Rights of Way team, in particular, a requirement to provide of full details of this development where it affects and concerns the PROW route and agree measures to ensure that the use and enjoyment of the Three Rivers Ride will not be impacted by this development in the short, medium and long term. This will uphold Policy LTP PRW1 - Policy B3 Managing Public Rights of Way in Herefordshire Council's published Rights of Way Improvement Plan (draft) 2017-20."

The remaining two representations have been made by two local residents, which have already been sent directly to members of this committee and are repeated below:

1. *"It is by chance that I know about his submission although Phil Perry did bring down the 100 page document some months ago when I did study it, and my first reaction was that he should not be allowed to build a large house on such a prominent site which will be visible from many aspects, and the materials he is proposing to use for the building will make it glaringly visible.*

The yellow notice is up the road which he makes look as if it is his own drive, when it is a public road, so that people are deterred from going up there and so no-one has seen it. And the Merediths at Lowdy Farm, who would be very close neighbours of this proposed property, but whose farm is off the Lower Hope road but with their fields adjacent, had no idea about the application as you have not notified them.

I gather that it is supposed to meet all the requirements of Clause 79 of the Planning Agreement because it is "innovative" and of "supreme quality" to be permitted to be built in a field where there has never even been a barn. I am aware that a lot of input has gone into this project but I consider it an erosion of our countryside and no doubt there will be even more traffic going up our very small lane which is already ruined by farm traffic as the machinery is too wide.

If Mr Perry had not made his present property so suburbanized I would be happier to consider this latest application but definitely not on its present site. He put up kerbstones on a public road which is not his but he has made it look like his private drive, saying that I would not see the kerbs after a while. For as many years since he put them in, I have been affronted by them every time I drive up the lane. Visitors to my house ask if there is a housing estate up there. I am still amazed how a small cottage has been converted into such a large residence with a considerable two-storey building alongside it and a new barn with your approval or lack of objection.

So I am now concerned that the proposed Flow House will be lit up and disturb the dark sky that we enjoy in this area, and that there will be alterations to the original plans if it is allowed to be developed.

I wish to put in a strong objection."

2. *"Dear Sir/Madam,*

I object to the planning proposal to build The Flow House in Ullingswick. The building is totally inappropriate in a beautiful unspoiled area of Ullingswick in Herefordshire. It does not add to the landscape. How could it? The objection is not because it is a

modern dwelling. It is impossible for any building in this particular area to add to the outstanding landscape. At night the design of the building will cause light pollution. It is, quite simply, an irrelevant building which is not even needed. The applicants already enjoy a spacious home which has grown and grown over the years. The Three Rivers Ride crosses the land on which it is to be built which will provide an uneasy mix of walkers, horse riders and vehicles to and from The Flow House. It simply does not meet the government's requirements for a house built in open countryside. It is not of outstanding design. It does not enhance the landscape. On those two criteria alone the house does not meet the (rightly) restrictive planning laws for the countryside. To allow The Flow House to be built will be a serious planning misstep which is almost certain to lead to a legal challenge. It sends out totally the wrong message that at a time when much needed low income housing is vitally needed the council will be seen to be favouring a single house. I very much hope common sense will be applied to the overwhelming feeling of both villagers and the wider public. Open countryside, especially now, is for everyone, not the few."

OFFICER COMMENTS

In respect of the comments raised by the British Horse Society, the agent has confirmed to officers that the proposals do not include any change to the PROWs, including the Three Rivers Ride. That surface would remain as is and all new gates are as clearly included within the proposed plans. Members are referred to condition 6 of the recommendation in respect of a condition requiring the submission of a Construction Management Plan prior to commencement of works.

The only new consideration raised in the two local letters of representation refers to site notice procedures. The Council erected site notices adjacent to the public highway at the site entrance, as well as surrounding the site, where possible. The application had also been placed in the local press. Hence, the Council is satisfied that it has fulfilled its statutory duty to inform any interested party publically about this application.

Finally, at paragraph 2.1 of this agenda item, it needs to be confirmed that the Core Strategy is now in review. This should read as follows: *"The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. From reviewing those policies most pertinent to the determination of this application, they are viewed to be entirely consistent with the NPPF and as such, significant weighting can be afforded to these policies."*

NO CHANGE TO RECOMMENDATION

PLANNING and REGULATORY COMMITTEE

29 September 2021

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr E Evans Per Mr Ben Greenaway	Application for removal of Condition 5 and the variation of condition 16 following Application No: 163902/F. (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites at CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SG	210640	19
		PARISH COUNCIL	MR R JAMES (Whitbourne Parish Council)	
		OBJECTOR	MRS E KERSHAW (Local resident)	
		SUPPORTER	MR B GREENAWAY (Applicant's Agent)	
7	Mr Sambrook Per Miss Stephanie Cain	Proposed demolition of farm buildings and construction of 14 dwellings with associated access at LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE	210373	45
		OBJECTOR	MR M THOMAS (Local resident)	
		SUPPORTER	MS A MCCANN (Citizen Housing)	
8	Mr Murray per Mr Paul Murray	Application for change of use from agriculture to siting two Yurts for holiday use with the accompanying conversion of one garage bay (of a pair of garage bays plus workshop) to provide two bathrooms and two dishwashing facilities at Willey Lane Farm at WILLEY LANE FARM, TOGPEN, WILLEY LANE, LOWER WILLEY, HEREFORDSHIRE	210222	81
		OBJECTOR	MRS G TURNER and MRS J STOCK (Local residents)	
		SUPPORTER	MR M MURRAY (Applicant's Agent)	

9	Mr & Mrs Perry per Mr Matt Tompkins	Erection of 1 no. dwelling of and associated works including access, landscaping, outbuildings, infrastructure, lake creation and other engineering works at FLOW HOUSE, LAND NORTH OF SHEEPCOTTS COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ	202412	101
PARISH COUNCIL SUPPORTER		MR G BLACKMORE (Ocle Pychard Group Parish Council) MR M TOMPKINS (Applicant's Agent)		