

Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 5 June 2024

10.00 am

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
0LE**

	Pages
Schedule of updates	3 - 8
Public speakers	9 - 10

PLANNING COMMITTEE

Date: 5 JUNE 2024

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

233688 - CHANGE OF USE OF AGRICULTURAL LAND TO USE FOR HOLIDAY HUTS. 2 SHEPHERD HUTS AND CREATION OF CAR PARKING AREA. AT LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE,

For: Mr & Ms Judd & Dray per Mr Derrick Whittaker, 1 Farjeon Close, Ledbury, Herefordshire, HR8 2FU

ADDITIONAL REPRESENTATIONS

Two further representations have been received:

1. I wish to express my serious concerns in your report and information contained within. Your submissions are riddled with inaccuracies, errors and poor processes. The Highways submissions are lacking in detail and professionalism it comes across that no one has done their job properly or consistently. I am so concerned with you and your colleagues submitted reports I feel you should stop the planned committee meeting and write to them expressing that your information is flawed, if you do and it goes ahead with planning granted I will demand a Judicial Review.”- **Mr T Newbrook 03 June 2024 [Email]**
2. We raised concerns over the application with the Parish Council and made representations in objection. At the Parish council meeting this application was discussed at length and the applicants were advised that permission would be required for use of the access. The Parish Council expressed their apologies that they were limited in the support they could provide but would recommend that the access be properly considered. Subsequently the representation from the Parish Council was made conditional on the access being properly considered. When it became clear to the applicants that ourselves and our neighbours at the White House would not support the application and that the Parish Councils support was conditional on proper consideration of the access, the applicants amended the application by changing the outline plan so it no longer included the access. This was supported by a statement from the agent claiming that the access was ‘an unadopted public road’. It is clear from the area definitive map that the access is not a public road and has no public rights.

The evidence and timeline of the alteration to the application would strongly suggest that removing the access from the application against an obviously false statement which cannot be supported by public record is a deliberate attempt to manipulate the planning process and mislead the planning officer. The application site is an Island surrounded by private property, the ownership of which is not disputed by anyone including the applicants. No public right of way crosses this private property, and no permission has been given for its use in conjunction with this application.

It would appear that the planning officer has been duped into proceeding with an application that has not been properly presented and does not respect the rights of the landowners.

I would also bring to your attention a serious error in the planning officer’s report which states the access to be ‘some 4 meters wide’. The access is 1.8 meters wide at its narrowest point and little more than 2.4 meters wide at its widest. You need only view it on google street view to confirm this point which will also become clear during the site visit on the 4th June. The determination regarding visibility splays at the exit of our driveway onto

the public road has also not been properly considered. This will become very much apparent to those who visit the site.”- **Mr M Botfield 02 June 2024 [Email]**

OFFICER COMMENTS

For the avoidance of doubt the reference to a gravity fed system was in connection with the existing arrangement for the Septic Tank. The proposal would be to replace this with a pumped system discharging into a drainage field through a Package Treatment Plant.

In response to further concerns expressed following the publishing of the report, it is confirmed that the proposed access road has been measured on site. At its widest it is 4.2 metres and at its narrowest it is 2.8 metres

CHANGE TO RECOMMENDATION

Additional Informative

Herefordshire Council would remind the operators of the units that they will need to make provision for commercial waste arrangements and should not dispose of any waste associated with the use of the shepherds huts the by using the service provided for households. Further advice can be sought from Herefordshire Council. <https://www.herefordshire.gov.uk/rubbish-recycling/business-waste>

240780 - PROPOSED REPLACEMENT CHANGING ROOMS AND ASSOCIATED FACILITIES. AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ

For: Mr Saer per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

2 further representations have been received which are set out below

Principal Building Conservation Officer:

'Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

The site lies within the Central Conservation Area, with the proposal being for the proposed replacement of changing rooms and associated facilities.

The building to be demolished is relatively modern, and representative of its function and as such there is no objection to its demolition.

In terms of the replacement building the design echoes the existing building to be retained maintaining the roof height and pitch and materials.

The proposal would need to be assessed against Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SS6, LD1 and LD4.

Given that there is an existing building of relatively modern construction which is to be replaced, it is considered that the proposal would preserve the character or appearance of a conservation area. The change of materials from white upvc cladding to box profile composite sheet is welcomed, however I would request a condition in term of the colour

With that condition in terms of materials I would therefore raise no objections to the proposal on built heritage terms.'

Natural England Comments:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Catchment SAC <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which River Wye Catchment SSSI (including schemes impacting on the linked River Lugg SSSI) Site of Special Scientific Interest have been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- An Ecological Protection and Construction Environmental Management Plan We advise therefore that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

The proposed development is within 50m of the boundary of the River Wye SAC (SSSI). The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities. As no significant new or additional nutrient pathways are identified this effect has been 'screened out' by your authority from requiring any further detailed consideration.

Due to the proximity to the River Wye the demolition and construction processes have the potential to affect the Habitats and Species associated with the River Wye SAC. These effects can be ecological (eg directly on species) or through wider environmental effects such as noise, vibration, dust and general run-off of pollutant and contaminants in to local surface water flows that connect to the River Wye.

With an Ecological Protection and Construction Environmental Management Plan secured by condition no unmitigated effects on the River Wye SAC (SSSI) are identified from the proposed development.

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan, including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary. Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk

CHANGE TO RECOMMENDATION

Having received the No Objection comment from Natural England, the recommendation can now be changed to one of Conditional Approval

PLANNING and REGULATORY COMMITTEE

5 JUNE 2024

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr & Ms Judd and Dray per Mr Derrick Whittaker	Change of use of agricultural land to use for holiday huts. 2 shepherd huts and creation of car parking area at LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE	233688	33
OBJECTOR		MR BOTFIELD (local resident)		
SUPPORTER		MS DRAY (Applicant)		

7	Mr Saer per Mr Russell Pryce	Proposed replacement changing rooms and associated facilities at WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ	240780	47
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No registered speakers

8	Mr Kaye per Mr Olly Kaye	Proposed erection of single storey garden shed at BRICK HOUSE, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1QW	240602	57
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No registered speakers

