

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 10 October 2018 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, PJ Edwards, TM James, FM Norman, AJW Powers, A Seldon, NE Shaw and SD Williams

In attendance: Councillors PD Newman OBE and D Summers

52. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie and WC Skelton.

53. NAMED SUBSTITUTES

None.

54. DECLARATIONS OF INTEREST

Agenda item 7: Unit 10, Walkers Green, Marden

Councillor Baker declared a non-pecuniary interest as a resident of Marden.

Agenda item 8: 3 Rocklands Cottages Bearwood Cottage Lane Goodrich

Councillors Cutter and Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

Councillor Newman declared a non-pecuniary interest as a Herefordshire Council nominated Director of Coppett Hill Trust Ltd.

55. MINUTES

RESOLVED: That the minutes of the meeting held on 27 September 2018 be approved as a correct record and signed by the Chairman.

56. CHAIRPERSON'S ANNOUNCEMENTS

It was reported that following a change to the political proportionality of the Council, the It's Our County Group had ceded one seat on the Committee to the Herefordshire Independent Group. Councillor Seldon would therefore be leaving the Committee.

The Chairperson thanked Councillor Seldon for his contribution to the Committee.

57. 174246 - WILLEY COTTAGE FARM, WILLEY, PRESTEIGNE, LD8 2ND

(Proposed erection of an agricultural building for free range egg production with associated feed bins and egg packing and storage building.)

The Development Manager (DM) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Temple, a local resident, spoke in objection. Mr S Harison, the applicant's agent, and Mr G Hodnett, the applicant's son spoke in support.

The Chairperson reported that the local ward member was unable to attend the meeting.

In the Committee's discussion of the application the following principal points were made:

- A balance had to be struck between farming and tourism. Farming contributed to the environment that encouraged tourism.
- The application had clearly been thoroughly assessed and was a sound application.
- Clarification was sought on the perimeter fencing and whether this would be stock proof, a concern raised by the public speaker in objection to the application. The DM commented that the application site lay some distance north of the speaker's property and was not contiguous. He did not consider that a condition would be appropriate. In response a Member asked if the application were approved if the decision notice could encourage dialogue between the applicant and neighbours.
- The application was an extension with little visual impact.
- The Transportation Manager considered the proposal to be acceptable.
- The Parish Council supported the proposal.
- It was noted that condition 11 required passing places along the C1064 approval for which would have to be granted by Powys County Council and clarification was sought on how this process would be managed. The Lead Development Manager (LDM) commented that cross-border issues of this nature were dealt with in a straightforward manner. The applicant would apply to Powys CC. Herefordshire Council would be consulted. The proposed condition prevented development until the passing places had been established..
- The route to and from the site was a recognised National Cycle Route(NCR 25) and information was sought on the development's effect on the route. It was also asked if Powys CC could be asked to designate the route as a quiet lane.
- It was asked in relation to condition 5 relating to the external lighting scheme if the authority could consult with the National observatory on the detail of the scheme. The LDM suggested that an informative could be added requesting the applicant to undertake an informal consultation with the observatory, noting that the council would be undertaking a formal consultation as part of the consideration of the scheme.
- As an environmental permit was not required from the Environment Agency for a scheme of the size proposed, the council would be responsible for the enforcement of the proposed manure management plan including the impact on water quality from manure spreading. It was asked how this would be managed and what account that plan would take of off-site spreading.
- The DM confirmed that the MMP would deal with off-site spreading. The proposed condition was to ensure compliance with the MMP.

The LDM commented that the enforcement team would be responsible for enforcing the condition, drawing on external expertise as necessary. Action could be taken if the applicant were to be found in breach of conditions.

- The Lime Brook was a tributary to the River Lugg. The Lugg catchment was above the legal limit for phosphates so any development had to prove that it would be a positive contribution to improving that situation. No such assurance was provided.

The DM commented that the ecologist's report referred to at paragraph 4.7 of the officer report had considered these impacts.

- There was no reference to air particulates the cumulative impact of which on public health within the county was of growing concern.
- Proposals of this nature had a damaging effect on the landscape, tourism and walking and cycling, and created odours with an adverse effect on amenity, and pollution, including run-off into the River Lugg. These concerns had not been addressed.
- The impact of the proposed level of water extraction was questioned.
- A member highlighted the small nature of the proposal considering that it could be readily accommodated within the farm and questioned whether there were planning grounds on which to refuse it.

The LDM commented in relation to landscape impact that discussions had resulted in improvement, with the unit being brought closer to the main farm complex. Regarding water extraction the Council had commissioned an independent hydrogeological assessment report on the applicant's submission. This had concluded that the proposal was acceptable and no risk to existing water supplies.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with an additional informative relating to the external lighting scheme. The motion was carried with 8 votes in favour, 1 against and 1 abstention.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C09 Details of cladding**
4. **The development hereby approved shall be carried out in accordance with the approved landscaping scheme as shown on drawing number IPA21490-11A (Landscape Proposals) dated October 2017. New planting shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 5. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan- Core Strategy and the National Planning Policy Framework.

- 6. The buildings hereby permitted shall only be used as free range egg production units and not for any other form of poultry related production (e.g. broilers or turkeys)**

Reason: The processes / activities associated with different forms of poultry related production give rise to materially different environmental impacts that would require further assessment.

- 7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall not be used for any purpose other than that hereby authorised.**

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8. The development hereby approved shall be carried out in accordance with the Manure Management Plan prepared by McCartneys for Willey Cottage Farm dated October 2017 unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of pollution prevention and to safeguard the water quality of the area and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9. All manure moved off site must be in covered and sealed trailers.**

Reason: In the interests of pollution prevention and to safeguard the residential amenities of occupiers of dwellinghouses and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 10. The number of birds per flock shall not exceed 16,000 in any single 60 week flock cycle.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with Policy MT1 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. **No development shall commence on site in connection with this approval until a scheme for the provision of passing places along the C1064 have been provided and formally authorised in writing in terms of size, design and construction specification by Powys County Council.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway, and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. **H03 Visibility splays**
13. **H13 Access, turning area and parking**
14. **H18 On site roads - submission of details**
15. **H31 Outline Travel Plan**
16. **The recommendations set out in the ecologist's report from Craig Emms dated October 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat/species protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment). To comply with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I05**
3. **I45**
4. **Informative re lighting in consultation with Observatory**

(The meeting adjourned between 11 am to 11.10 am.)

58. 181296 - UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN

(Change of use of unit 10 from A1 to B2 (retrospective).)

The Enforcement Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr G Lloyd, of Marden Parish Council spoke on the Scheme. He clarified that the Parish Council was not opposed to the current use but was concerned about the proposal to grant B2 use rather than B1 and how it would be ensured that there was a reversion to the original A1 use if there was a change in ownership. Mrs J Lloyd, a local resident, spoke in objection. Ms D Jones, the applicant, spoke in support.

The Chairperson reported that the local ward member, Councillor KS Guthrie, was unable to attend the meeting. She had made a submission. He read this to the meeting.

In summary this made the following points.

- There was a high level of support for the application. However, she had requested that it be considered by the Committee because: the application was retrospective, some residents who lived adjacent to the site had raised concerns regarding noise, smell and disturbance at night, and Marden Parish Council had concerns about the change of use from A1 to B2 general industrial use in conflict with the Marden NDP Policy 7 c) d) e) & f)
- She was very concerned about the impact on the amenity of the next door neighbours and the surrounding residential area. There were no conditions on the hours of operation, contrary to Marden NDP Policy M7 d).
- If the Committee was minded to approve the application then conditions on hours of operation - especially restrictions on antisocial hours from 11 pm to 8 am should be imposed to protect residential amenity.

In the Committee's discussion of the application it was questioned whether the use was B1 rather than B2 as proposed and what conditions could be imposed on hours. A suggestion was also made that a temporary permission might be appropriate to allow the impact on amenity to be assessed.

Councillor Seldon proposed and Councillor Shaw seconded a motion that consideration of the application be deferred to allow the matters that had been raised to be assessed. This was agreed unanimously.

RESOLVED: That consideration of the application be deferred pending further information.

59. 182086 - 3 ROCKLANDS COTTAGES, BEARWOOD COTTAGE LANE, GOODRICH, HEREFORDSHIRE, HR9 6JQ

(Proposed ancillary annexe.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr M Rowberry of Goodrich and Welsh Bicknor Group Parish Council spoke in opposition to the Scheme. Mr P

Chatterton, Company Secretary to Coppett Hill Common Trust, spoke in objection. Mr A Fisher, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor PD Newman, spoke on the application.

He made the following principal comments:

- He highlighted the beauty of the location within the Wye Valley AONB and the importance of tourism to the area's economy.
- The draft Neighbourhood Development Plan was due to gain weight within some 4 weeks. The proposal was contrary to that Plan. Weight should be given to the Plan.
- An original application had been made to develop a new dwelling in the open countryside. There had been no reference to it being an ancillary dwelling. This application had been refused by officers.

A revised application had subsequently been submitted for an ancillary annexe. However, the application was the same as the original one, a two storey dwelling, on the same footprint. A single storey structure on the existing footprint would provide adequate accommodation. The proposal was a rebranding. It was unacceptable in such a sensitive, protected location.

- There was concern that approval would set a precedent, permitting all the scattered properties along Coppett hill to be interspersed with substantial two storey new build structures described as annexes.
- He opposed the application.

In the Committee's discussion of the application the following principal points were made:

- Whilst there was sympathy for personal circumstances, it was questioned why a separate structure was being proposed rather than an extension to the existing dwelling.
- Regard had to be had to the importance of the landscape and the risk of setting a precedent for development.
- The Lead Development Manager confirmed that the Neighbourhood Development Plan was at Regulation 14 Stage. No weight could be given to it until it had completed Regulation 16 Stage.
- The DM commented in response to points raised that the proposal was for a new build not a conversion of the existing garage. He did not have the information to say whether there were any constraints preventing an extension to the existing dwelling. The question to be considered was whether the proposed building was of sufficiently modest scale to be considered ancillary.

There was no formula or guidance as to what floor area might qualify as an annexe. It was a matter for the decision maker to determine having regard to the size of the dwelling, constraints of the site and relationship to the existing dwelling.

The revised scheme reduced the ridge height to 5.3m which he considered limiting in terms of potential for future use as a self-contained separate dwelling. It had an appropriate and reasonable relationship to the existing property.

He also considered that the constraints of the site and its access militated quite strongly against, and gave the authority the ability to resist, any future speculative attempt to create a dwelling or holiday accommodation.

It had also been indicated on behalf of the Coppett Hill Trust that there would be potential legal barriers to such development.

In relation to a suggestion that permitted development rights should be removed he undertook to investigate the need for such a provision, in particular in relation to an extension to the side or the roof of the annexe. He had not included such a provision in the list of recommendations because as the site was within an AONB that meant that a number of restrictions on development were automatically in place.

The local ward member was given the opportunity to close the debate. He reiterated his concerns about the proposal being for a 2 storey development and its description as an annexe, noting also how soon it would be possible to give weight to the NDP.

Councillor Edwards proposed and Councillor Hardwick seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 6 votes in favour, 4 against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the Scheme of Delegation to Officers:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans (Drawing Nos. 809 PL02 Rev A)**
3. **C01 Samples of external materials**
4. **CG3 Roofing Materials**
5. **F08 No conversion of garage to habitable accommodation**
6. **F13 Restriction on separate sale**
7. **F28 Occupation ancillary to existing dwelling only (granny annexes)**
8. **G04 Protection of trees/hedgerows that are to be retained**
9. **H27 Parking for site operatives**
10. **I16 Restriction of hours during construction**
11. **Unless otherwise agreed in writing by the Local Planning Authority; as advised by the applicant in an email ("Subject: Re: 182086 - 3 Rocklands Cottage" dated 17th August 2018,) foul water shall be managed through connection to the existing septic tank that discharges final outfall through a soakaway drainage field.**

Reason: In order to comply with Habitat Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan Core Strategy policies LD2 and SD4.

12. **Prior to first use of the new annexe evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least two bat roosting enhancements and two bird nesting boxes built in to, or attached to the new annex should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement feature, adjacent track or habitat.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013

13. CE6 Efficient use of water

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. N11C General

60. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 12.23 pm

Chairman

PLANNING COMMITTEE

10 October 2018

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

181296 - CHANGE OF USE OF UNIT 10 FROM A1 TO B2 (RETROSPECTIVE) AT UNIT 10, WALKERS GREEN, MARDEN, HEREFORD, HR1 3DN

For: Ms Jones per Ms Dawn Jones, 59 St Andrews Close, Moreton-On-Lugg, Hereford, Herefordshire HR4 8DB

ADDITIONAL REPRESENTATIONS

OFFICER COMMENTS

Amendment to condition 1 to ensure precision and enforceability in line with the NPPF and NPPG

CHANGE TO RECOMMENDATION

Amended condition 1

1. The building unit which is the subject of this application shall be used by Ms Dawn Jones for the prescribed business purpose stated within the application and for no other purpose including any other purpose within Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. On the departure of the use i.e. Old Granary Pierogi, from the premises, the Class usage of B2 shall revert back to its former use as an A1 retail unit

182086 - PROPOSED ANCILLARY ANNEXE AT 3 ROCKLANDS COTTAGES, BEARWOOD COTTAGE LANE, GOODRICH, HEREFORDSHIRE, HR9 6JQ

For: Mr Fisher per Mr David Kirk, Coppice View, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

Upon request, the Tree Officer carried out a further site visit and confirms that no trees of any amenity value will be affected by the proposal. It may be necessary to carry out some work to a lateral branch on the semi-mature tree closest to the building

NO CHANGE TO RECOMMENDATION