

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 18 September 2019 at 10.00 am

Present: Councillor John Hardwick (chairperson)

Councillors: Paul Andrews, Polly Andrews, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Helen l'Anson, Terry James, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, David Summers, Yolande Watson and William Wilding

In attendance: Councillors Barry Durkin and Tony Johnson

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham Andrews, Tony Johnson and Alan Seldon.

22. NAMED SUBSTITUTES (IF ANY)

Councillor William Wilding attended the meeting as a substitute member for Councillor Graham Andrews; Councillor Helen l'Anson attended the meeting as a substitute member for Councillor Tony Johnson; and Councillor David Summers attended the meeting as a substitute member for Councillor Alan Seldon.

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. MINUTES

RESOLVED: That the minutes of the meeting held on 24 July 2019 be approved as a correct record and signed by the chairperson.

25. CHAIRPERSON'S ANNOUNCEMENTS

None.

26. 184574 - LONG BARN HOUSE, LANE FROM JUNCTION WITH SPARROW LANE TO QUARRY ROAD, LINTON, ROSS ON WYE, HR9 7RT

(Erection of 2 detached dwellings)

(Councillor William Wilding as local ward member)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr J Watkins, a local resident, spoke in objection to the application and Mrs J Joseph, planning agent, spoke in support.

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

He made the following principal points:

- The application included a number of sustainable features but due to its location it still caused environmental harm.
- The national planning policy framework encouraged developments to incorporate as many sustainable features as possible. The current application did not include solar panels. Applications and house design should include solar panels.
- The lane on which the proposed development was located was narrow and was sunken in places with few passing places for cars. It was not ideal for walking.
- The application proposed excavations to a bank to create an entrance to the property. This would damage the existing bank; if the member had been consulted on the application at an early stage he would have proposed the relocation of the entrance.
- It was noted that the application would have an impact on local wildlife.

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

- It was noted that there were no objections from statutory consultees.
- There was concern that there were no solar panels incorporated in the design but other sustainable measures such as the heat pump were viewed favourably. The application incorporated a high level of sustainability which was a good example of housing seeking to limit carbon impacts. It was queried whether solar panels were viable with a green roof.
- It was queried why no site visit was undertaken. It was felt that a site visit should have been undertaken. *The Chairperson of the committee confirmed that the local ward member had not requested a site visit.*
- The impact of the application on flora and fauna was queried.
- The importance of new housing in local villages to sustain local communities, their services and facilities was emphasised.

The Lead Development Manager commented that given the proposed green roof solar panels would probably need to be located elsewhere on the application site and an ecology survey had been submitted with the application. The county ecologist had raised no concerns with the application.

The local ward member was given the opportunity to close the debate. He explained he would have requested a site visit if aware of the process but as a new member of the council was unaware. Due to the absence of solar panels in the application it was not felt that the national planning policy framework had been interpreted properly or given proper weight in the application. It was asserted that sustainability measures needed to be incorporated in all new applications.

Councillor Polly Andrews proposed and Councillor David Summers seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 13 votes in favour and 1 abstention.

RESOLVED:

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to to officers.:

1. **A01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **CBK Restriction of hours during construction**
5. **CAB Visibility splays (2.4m x 25m to centre of carriageway)**
6. **CAE Vehicular access construction**
7. **CAD Access gates (5m)**
8. **CAI Parking – single/shared private drives**
9. **CAH Driveway gradient**
10. **CAT Construction management plan (including parking for site operatives)**
11. **CB2 Secure covered cycle parking provision**
12. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Churton Ecology dated September 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD2 and, Dark Skies initiative (DEFRA-NPPF 2013/18).
13. **The ecological protection, mitigation, compensation and working methods scheme, as included within the Arboricultural Impact Assessment by Steve Ambler & Sons dated June 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006),

Herefordshire Core Strategy (2015) policies LD2 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

- 14. Prior to the commencement of any works a method statement for trees T8 & T9 or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.**

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 15. CBM Scheme of foul and surface water disposal**

- 16. C65 Removal of permitted development rights**

- 17. C95 Details of boundary treatments**

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.**

(Councillor William Wilding resumed his seat on the committee)

27. 190438 - HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE

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 Tony Johnson, as the applicant, spoke in support of the application and then left the meeting room following his submission to the committee.

In accordance with the Council's Constitution, Councillor Barry Durkin spoke as a proxy for the local ward member.

He made the following principal comments:

- In 2010 a factory received permission close to the application site and at 1.3 miles was considered to be within walking distance of Colwall. The current application had not been considered sustainable development as the officer had concluded that the village was not within walking distance but would need to be accessed by car. Consistency between the two applications was required and permission for the current application should be granted in accordance with the assessment undertaken in 2010. The suitability of the site was established by the 2010 application and permission granted.

- Within the previous five years there had been development around the application site including new houses, a factory and vineyard. The driveway to the application site was used as an access to these local developments together with a cricket pavilion and tennis courts which demonstrated that the locality was becoming a built up area.
- The applicant wanted to build a single residential dwelling to provide suitable accommodation for his health needs.
- The national planning policy framework required a presumption in favour of applications for sustainable development where there was a shortage in the supply of building land and the core strategy was out of date with regard to land supply.
- The application site fell within the area of the Colwall neighbourhood development area and was therefore deemed appropriate for development.
- The Malvern Hills AONB had advised that the colour and design of the development would need to meet their specification.
- The application proposed a modest development but one which would benefit the county and there was no potential for harm posed.

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

- The importance of incorporating wellbeing issues into planning matters and the potential that the applicant would need to leave due the area to his health needs if the application was not approved.
- There was concern regarding development proposals located in the countryside. It was accepted by some members of the committee that the application site was set in open countryside and was therefore in an inappropriate location. It was the contention of some members that the area was a hamlet due to the level of local development.
- It was acknowledged that the application site was set on a country lane but it was surrounded by commercial developments. The permission granted in 2010 was queried and if it concerned industrial usage.
- There was disappointment that there was no supporting evidence provided as to how the application would meet the criteria under policy RA3 of the core strategy.
- A full application would have been preferable for the committee to consider detailed planning considerations relating to the proposed development.
- The walk from Colwall to the application site was difficult and it was felt the owners of the property would use a car to access the village.
- There was concern that the application, if approved, would encourage development in the AONB.

In response to questions officers commented:

- The 2010 application for the furniture factory involved the conversion of existing buildings which policies support. It was important to distinguish between the 2010

application and the current proposal which was for the construction of a residential dwelling.

The Lead Development Manager commented that the lack of a 5 year housing supply did not represent a mandate for development to be undertaken in any area. Significant weight could be attributed to policy and the core strategy; a large proportion of appeals had been dismissed recently and policy and the core strategy had been cited. The core strategy supported business in the countryside but was clear on housing in this setting. This application was located outside of the development boundary of Colwall and was deemed to be in the countryside.

The proxy ward member was given the opportunity to close the debate. He explained that the application site should not be considered open countryside but was contained in a hamlet which was a built up area. The applicant was seeking to construct the dwelling for family reasons. The addition of a dwelling would benefit the village of Colwall. The developing neighbourhood development plan was at regulation 14 but the need for development in the village should be acknowledged. The distance of 1.3 miles to the village that had been considered to be suitable for walking in the 2010 application should be honoured in the current application. Any future application would take account of the requirements of the AONB. The presumption in favour of application if land supply was not being met was relevant and should be applied to the current application; the house would be used in future and was in an appropriate area that did not constitute open countryside.

Councillor Bernard Hunt proposed and Councillor Yolande Watson seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried 8 votes in favour, 4 against and 3 abstentions.

(The meeting adjourned at 11.28 a.m. and reconvened at 11.40 a.m.)

(Councillor Toni Fagan left the meeting at 11.28 a.m.)

28. 191813 - SUTTON PRIMARY SCHOOL, BAYLEY WAY, SUTTON ST NICHOLAS, HEREFORD, HR1 3SZ

(Provision of a single mobile classroom)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr S Morehead spoke in support of the application.

In accordance with the Council's constitution, the local ward member, Councillor Kema Guthrie, submitted a statement which was read to the committee.

The statement contained the following principal points:

- There were significant parking problems at Sutton primary school caused by a large amount of school traffic;
- The school car park became full quickly in the morning which caused an adjacent road to become congested with parked cars.
- There was significant concern with the volume of traffic accessing the school which also had an environmental impact. The school should investigate sustainable travel options to protect the environment and minimise disruption to local residents.

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

- It was queried why a planning application was required given the provisions of the Caravan Act 1968.
- It was noted that the provision of the mobile classroom would not increase the numbers of pupils at the school but was intended to improve the facilities. There was sympathy for the traffic problems around the school but it was not felt that this was relevant to the application and was an issue present at a number of local schools.
- The use of mobile classrooms at schools had been long established and appeared to be necessary at the primary school due to the failure of capital bids to provide a more permanent improvement to facilities.
- It was queried what would occur at the end of 5 years of the permission.
- It was suggested that a condition requiring the school to undertake a school travel plan, to encourage sustainable transport, be attached as a condition to any permission granted.

In response to the questions the Senior Planning Officer and Lead Development Manager commented:

- The mobile classroom exceeded the definition of a caravan in the Caravans Act 1968. Caravans did not require planning permission but the proposed mobile classroom was considered development due to its dimension.
- After 5 years a further application would be required if the mobile classroom was still required.

The Lead Development Manager commented that the concerns raised regarding traffic affected all schools in the county. The school had been designed and built to incorporate the possibility of a future extension but the capital funding had not been forthcoming. The application was in accordance with policy.

Councillor David Summers proposed and Councillor Bernard Hunt seconded a motion that the application be approved in accordance with the printed recommendation and an additional condition for the school to undertake a travel plan. The motion was carried unanimously; 14 votes in favour.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers.

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 292-01 & 292-02) and the schedule of materials indicated thereon.**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3. The mobile classroom hereby permitted shall be removed from the site within five years of the date of this permission with the land being remediated and restored to its former condition in accordance with a scheme of work including timescales submitted to the Local Planning Authority and approved in writing by the local planning authority.**

Reason: To protect the character and appearance of the locality given the temporary nature of the building in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy 2011 – 2031, policy 6 & 7 of the Sutton St Nicholas Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. At no time shall any facility or apparatus producing any form of foul water be installed in or on the approved mobile classroom, further all surface water shall be managed through a soakaway system within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure there are no likely significant effects on the integrity of the River Wye Special Area of Conservation, thus complying with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy (2011 – 2031) policies LD2, SD3 and SD4.

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. The applicant is advised to enter into pre-application advice discussions with the Local Planning Authority prior to the expiration of this permission to enable discussions and to foster a collaborative approach to finding an acceptable, permanent solution to the need for additional classroom space at the school.**

29. 192193 - ANNADALE, CASWELL TERRACE, LEOMINSTER, HEREFORDSHIRE, HR6 8BB

(Removal of 2 no. timber sheds and construction of rear two storey extension)

The planning officer gave a presentation on the application.

Councillor Terry James proposed and Councillor John Stone seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried unanimously; 14 votes in favour.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1. Time limit for commencement (full permission)**
- 2. C06 Development in accordance with approved plans**
- 3. CBK Construction of hours during construction**

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.**

30. 191123 - CLERK TO THE JUSTICES, SHIREHALL, ST PETERS SQUARE, HEREFORD, HEREFORDSHIRE, HR1 2HP

(Replacement of defective lath and plaster ceilings with wood wool slabs)

(Councillor Jeremy Milln as local ward member)

The planning officer gave a presentation on the application.

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

He made the following principal points:

- The Shirehall was the premier civic space in Hereford which was owned and maintained by Herefordshire Council.
- The circumstances surrounding the work that had been undertaken constituted an offence under the listed building act for which there were no extenuating circumstances.
- Following the collapse of the plaster in February 2019 the ceiling was removed without appropriate records kept. Works were carried out before an application was submitted.
- The heritage impact assessment statement submitted with the application was not felt to be adequate.
- The conservation officer considered the alterations of less than significant harm to the building however any work conducted without permission was still an offence.
- It had been requested that a small amount of the plasterwork be retained however the work undertaken prior to March 2019 had caused damage to the plaster which was not reversible. It was not possible to reinstate the lath and plaster ceilings.

- It was acknowledged that it was a difficult decision which the committee was required to take. The pragmatic approach would be to accept the issues that had occurred and approve the application; the Council had provided a report and explanation of why actions were undertaken following the collapse.

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

- The problems associated with the works to the building and the retrospective application had been ongoing for a long period of time.
- There was discomfort at the public perception of the application and the representations which referred to the actions taken as unlawful. It was queried whether an alternative process to determine the application could be undertaken.
- It was commented that planning enforcement would be stringent in sanctioning an individual if they had committed a similar breach.
- It was acknowledged that the council had encountered significant criticism for the actions it had undertaken and had learned lessons.

In response to questions the Lead Development Manager commented:

- The committee was not determining the application, it was agreeing its referral to the Secretary of State for determination with a minded to approve recommendation.

The local ward member was given the opportunity to close the debate. He commented that in future the highest standards for conservation must be upheld in Herefordshire and the national planning policy framework and core strategy must be used to protect heritage. It was also noted that Historic England had not advised but had deferred to the advice of the specialist conservation adviser.

Councillor David Summers proposed and Councillor Polly Andrews seconded a motion that the application is referred to the secretary of state in accordance with the printed recommendation. The motion was carried unanimously; 13 votes in favour.

RESOLVED: That subject to consideration of any additional comments that may be received that raise material planning considerations, that the Planning Committee resolve to approve the works proposed and that the application is referred to the Secretary of State for Digital, Culture, Media and Sport for determination subject to the conditions below and any other further conditions considered necessary

1. **CE7 - Standard Historic Building Conditions**
2. **C07 - Development in accordance with approved plans (WQAB-001 and the updated Statement of Heritage Impact received on 26 June 2019)**

31. **DATE OF NEXT MEETING**

The Committee noted the date of the next meeting on 16 October 2019.

Appendix - Schedule of Updates

The meeting ended at 12.45 pm

Chairperson

PLANNING COMMITTEE

Date: 18 September 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

190438 - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A SINGLE DWELLING. AT HOE FARM, MATHON ROAD, COLWALL, HEREFORDSHIRE,

For: Mr & Mrs Johnson per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

The applicant's agent has contacted the case officer to request some clarification of the Landscape Officer's comments with regard to the designation of Hoe Court as an unregistered park and garden. The section in question reads as follows:

- *There are also potentially limited views of the proposal from the Northern boundary of nearby Hoe Court Garden Un-Registered Park and Garden. Parks and Gardens are designated by English Heritage under the Historic Buildings and Ancient Monuments Act 1953 for their special historic interest.*

The applicant's agent has raised concern that the comments conflate registered and unregistered parks and gardens as unregistered parks and gardens are not designated under the Act.

OFFICER COMMENTS

The applicant's agent is correct that unregistered parks and gardens are not designated under the Act. They are local designations made by local authorities and not English Heritage.

Impact upon heritage assets is dealt with by paragraphs 6.17 to 6.25. Hoe Court is identified as the principle asset within the locality of the application site. Paragraph 6.25 concludes that the proposed development will have no demonstrable impact upon its setting. This includes its designation as an unregistered park and garden.

CHANGE TO RECOMMENDATION

No change to the recommendation