

## **Minutes of the meeting of Planning and regulatory committee held at online meeting on Wednesday 17 March 2021 at 10.00 am**

**Present:** Councillor John Hardwick (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan,  
Elizabeth Foxton, Tony Johnson, Mike Jones, Jeremy Milln, Paul Rone,  
Nigel Shaw, John Stone and William Wilding**

**In attendance: Councillor David Summers**

### **89. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Graham Andrews, James, Graham Jones, and Millmore.

### **90. NAMED SUBSTITUTES**

Councillor Bowen substituted for Councillor Graham Andrews, Councillor Mike Jones for Councillor Graham Jones and Councillor Shaw for Councillor Millmore.

### **91. DECLARATIONS OF INTEREST**

#### **Agenda item 7: Application 204274 – Land adjoining Duke Street, Withington**

Councillor Polly Andrews declared an other declarable interest because she knew some of the objectors to the application.

Councillor Hardwick declared an other declarable interest because he knew the applicant and some of the objectors to the application.

#### **Agenda item 8: Application 191409 – Tower Lodge, 15 Linton Lane, Bromyard**

Councillor Seldon declared an other declarable interest because he knew some of the objectors to the application.

### **92. MINUTES**

**RESOLVED: That the minutes of the meeting held on 3 March 2021 be approved as a correct record.**

### **93. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson informed the committee of a change to the order in which the agenda items would be considered with agenda item 7, being considered first, followed by agenda items 6 and 8.

He also reported that Mr Alastair Wager, Senior Planning Officer, was leaving the authority. On behalf of the Committee he thanked him for his work for the council and wished him well for the future.

**94. 201220 - LAND AT HILL VIEW, DINEDOR, HEREFORDSHIRE**

*(Outline permission for the demolition of an existing dwelling, the erection of up to 3 x residential dwellings with associated drive and access alterations (all other matters reserved).*

*(The agenda order was changed and this agenda item was considered as the second substantive item with agenda item 7: Duke Street, Withington, considered first.)*

*(Councillor Paul Andrews had left the meeting and was not present during consideration of this application. Councillor Wilding was unable to be present during all of the consideration of the application and accordingly did not vote on this application.)*

*(The Committee had deferred consideration of this application at its meeting on 3 March 2021)*

The Senior Planning Officer gave a presentation on the application.

He added that it was proposed to include an additional condition regarding the management of flood and surface water.

In accordance with the criteria for public speaking for virtual meetings, Dinedor Parish Council had submitted a written submission in objection to the application. This was read to the meeting. Mr J Lively, the applicant, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Summers, spoke on the application. In summary, he expressed concerns about highway safety, remarking on the number of applications for development along what was a narrow single track road already unfit for purpose. The Parish Council and residents opposed the application and had expressed concerns about flooding and the road's condition. There were no local amenities and no transport links.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the proposal. He expressed reservations about a divergence of the Neighbourhood Development Plan from local wishes through the approval process.

A motion in support of the application with an additional condition regarding the management of flood and surface water was carried.

**RESOLVED: That planning permission be granted with an additional condition regarding the management of flood and surface water, and subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

- 1. C02 - Time limit for submission of reserved matters (outline permission)**
- 2. C03 - Time limit for commencement (outline permission)**
- 3. C04 - Approval of reserved matters**
- 4. C06 - Development in accordance with the approved plans**
- 5. CBK - Restriction of hours during construction**

6. **CE6 - Efficient use of water**
7. **A Construction Site Waste Management Plan shall be submitted to and approved by the LPA prior to development commencing on site to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:**
  - (i) **a description of the likely quantity and nature of waste streams that will be generated during construction of the development;**
  - (ii) **measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;**
  - (iii) **measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and**
  - (iv) **details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling. Construction works shall thereafter be carried out in full accordance with the CEMP Sub-Plans.**

**Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LDI, LD4 of the Herefordshire Local Plan - Core.**

8. **CAB - Visibility splays**
9. **CAD - Access gates**
10. **CAE - Vehicular access construction**
11. **CAH - Driveway gradient**
12. **CAI - Parking - single/shared private drives**
13. **CAT - Construction Management Plan**
14. **CB2 - Secure covered cycle parking provision**
15. **The ecological protection, mitigation, compensation and working methods scheme and any required European Protected Species Mitigation Licence (Bats), as recommended in the ecology reports (Reptile and Bats) by Star Ecology dated 23rd September 2020 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.**

**Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.**

- 16. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect 'hotels', wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

- 17. a) At no time shall any external lighting except in relation to safe use of the approved dwellings be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.**
- b) No external lighting should illuminate any biodiversity enhancement, boundary feature, highway corridor or adjacent habitats.**
- c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.**

**Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).**

- 18. All foul water shall discharge through connection to new plot specific private treatment plants with final outfall to suitably sized 'shared' soakaway drainage field on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4**

- 19. All surface water shall be managed through plot specific soakaway and infiltration features unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD3.**

- 20. Prior to first occupation of any property approved under this permission details of how all the shared aspects of the foul drainage scheme will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.**

- 21. Prior to the commencement of any works on site a tree-hedgerow protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the full duration of the construction phase.**

**No trees over 75mm diameter shall be lopped, topped, pruned or removed without the prior written consent of the local planning authority**

**Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).**

- 22. All planting, seeding or turf laying in the approved landscaping scheme pursuant to condition 3 shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

**Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

- 23. Prior to the first occupation of any dwelling of the residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

#### **INFORMATIVES:**

- 1. IP2 - Application Approved Following Revisions**

**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. I11 - Mud on highway**
- 3. I09 - Private apparatus within highway**
- 4. I45 - Works within the highway**
- 5. I05 - No drainage to discharge to highway**
- 6. I47 - Drainage other than via highway system**
- 7. I35 - Highways Design Guide and Specification**

*(The meeting adjourned between 10.56 am and 11.06 am)*

**95. 204274 - LAND ADJOINING DUKE STREET, WITHINGTON, HEREFORDSHIRE**

*(Proposed improvements to existing field access and construction of farm track.)*

*(The agenda order was changed and this agenda item was considered as the first substantive item.)*

*(Councillor Paul Andrews fulfilled the role of local ward member and accordingly had no vote on this application.)*

*(The Committee had deferred consideration of this application at its meeting on 3 March 2021).*

The Senior Planning 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 for virtual meetings, Withington Group Parish Council had submitted a written representation in objection to the application. This was read to the meeting. A written submission in objection to the application had been submitted on behalf of residents of Duke Street. This was read to the meeting. Mr P Smith, the applicant's agent, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Paul Andrews, spoke on the application. In summary, he opposed the application, expressing concerns about highway safety, questioning the need for improving an existing but little used field access to the standard proposed, given that there were already several accesses and it was not proposed to close the main current one, and referencing drainage issues on Duke Street.

The Committee discussed the application.

The Development Manager commented that it would be feasible to amend proposed condition 3 to require a porous surface for the new access track to be sought.

The local ward member was given the opportunity to close the debate. He reiterated his objection. However, if the Committee was minded to approve the application he requested that the applicant's offer to accept a condition requiring the continued use of the main farm access off Lock Road should be agreed. He also emphasised the importance of any drainage measures being properly maintained.

A motion in support of the application with amendments to condition 3 requiring a porous surface for the new access track and a condition requiring the continued use of the main farm access off Lock Road was carried.

**RESOLVED: That planning permission be granted with amendments to condition 3 requiring a porous surface for the new access track and a condition requiring the continued use of the main farm access off Lock Road and subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers.:**

1. **C01 - Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**
3. **CAE - Vehicular access construction**

**The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

4. **Before any other works hereby approved are commenced, visibility splays, and any associated set back splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 50 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and 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. P1 Positive and proactive.**

2. **A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**

*(The meeting adjourned between 12.06 and 12.57pm)*

**96. 191409 - TOWER LODGE, 15 LINTON LANE, BROMYARD, HEREFORDSHIRE**

*(Proposed redevelopment of Tower Lodge, 15 Linton Lane, Bromyard to include alterations to existing dwelling together with construction of two new dwellings.)*

*(Councillor Paul Andrews had left the meeting and was not present during consideration of this application. Councillor Shaw fulfilled the role of local ward member and accordingly had no vote on this application.)*

The Senior Planning 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 for virtual meetings, Mrs G Churchill of Bromyard and Winslow Town Council spoke in opposition to the scheme as a virtual attendee. Mr M Darwood, a local resident, had submitted a written submission in objection to the application on behalf of himself and other residents. This was read to the meeting. Mr P Brooks, the applicant, had made a written submission in support of the application. This was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Shaw, spoke on the application. In summary, he highlighted the extent of local concern about the application and his view that there were additional grounds for refusal of the application which would remain even when the proposed ground for refusal the adverse impact on the River Wye Special Area of Conservation, had been resolved at some point in the future. He suggested that the first additional ground was on highway safety in that the development would be contrary to paragraph 110 (d) of the National Planning Policy Framework (NPPF) as the development would not allow for the efficient delivery of goods, and access by service and emergency vehicles and accordingly the proposal was also contrary to Core Strategy (CS) policy MT1. The second ground related to adverse impact on the character and appearance of the area and the amenity of overlooked dwellings. The proposal was contrary to paragraph 127 of the NPPF and accordingly was also contrary to CS policies BY1, LD1 and SD1.

The Committee discussed the application.

The Development Manager highlighted the absence of an objection from the Transportation Manager on highway safety grounds and sought clarification from the Committee on this suggested ground for refusal.

The local ward member was given the opportunity to close the debate. He reiterated his suggested additional grounds for refusal and expanded further upon them concluding that the harm caused by the development outweighed its benefits.

A motion in support of refusal of the application based on the ground set out in the report, namely the adverse impact on the River Wye Special Area of Conservation,



and the following additional grounds was carried: the proposal was contrary to paragraph 110 (d) of the National Planning Policy Framework (NPPF) in that the development would not allow for the efficient delivery of goods, and access by service and emergency vehicles and paragraphs 108 and 109 of the NPPF and accordingly the proposal was also contrary to Core Strategy (CS) policy MT1; the proposal was also contrary to paragraphs 127 a and b of the NPPF and accordingly was also contrary to CS policies BY1, LD1 and SD1; and it was also contrary to policy SS4.

**RESOLVED: That planning permission be refused on the grounds that the development was contrary to the ground set out in the report, namely the adverse impact on the River Wye Special Area of Conservation, and the following additional grounds: the proposal was contrary to paragraph 110 (d) of the National Planning Policy Framework (NPPF) in that the development would not allow for the efficient delivery of goods, and access by service and emergency vehicles and paragraphs 108 and 109 of the NPPF and accordingly the proposal was also contrary to Core Strategy (CS) policy MT1; the proposal was also contrary to paragraph 127 a and b of the NPPF and accordingly was also contrary to CS policies BY1 and LD1; and it was also contrary to policy SS4. Officers named in the Scheme of Delegation to officers be authorised to detail the reasons put forward for refusal by the committee.**

**97. DATE OF NEXT MEETING**

Noted.

**Appendix - schedule of updates**

The meeting ended at 1.15 pm

**Chairperson**



## **PLANNING AND REGULATORY COMMITTEE**

**Date: 17 March 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

**204274 - PROPOSED IMPROVEMENTS TO EXISTING FIELD ACCESS AND CONSTRUCTION OF FARM TRACK AT LAND ADJOINING DUKE STREET, WITHINGTON, HEREFORDSHIRE**

**For: Ms Leake per Mr Paul Smith, 1 Whitby House, Commercial Street, Hereford, Herefordshire, HR1 2EH**

### ADDITIONAL REPRESENTATIONS

Letter received from applicants agent:

*"I refer to a letter of objection submitted by Mr. P. Bainbridge as a late representation. Mr. Bainbridge has chosen to interpret this application as proposing the replacement of an existing farm access. This is incorrect.*

*My letter submitted with the planning application stated: "The proposed improvement to the existing access .....would provide an alternative, much safer route from the public highway to the farm buildings.". No mention is made of the closure of an existing access. Rather, the proposal offers a greater and safer choice of farm accesses.*

*Most farm traffic originates from the north-west of the village (from the Withington Marsh direction). A minority of farm traffic originates from the north of the village which accesses the Lock Road main farm entrance and this will continue. No farm traffic originates from the main part of the village to the south or would approach the Duke Street access.*

*Therefore, the rejection of the proposed improvements will result in the continued, historic use of the Duke Street access in its current state or to perpetuate the pattern of most farm traffic having to negotiate the 90 -degree road bend and pass the school entrance, narrow junction and main school entrance to enter or depart the Lock Road entrance. Clearly, the proposal would improve highway and pedestrian safety not worsen it."*

### NO CHANGE TO RECOMMENDATION

**191409 - PROPOSED REDEVELOPMENT OF TOWER LODGE, 15 LINTON LANE, BROMYARD TO INCLUDE ALTERATIONS TO EXISTING DWELLING TOGETHER WITH CONSTRUCTION OF TWO NEW DWELLINGS AT TOWER LODGE, 15 LINTON LANE, BROMYARD, HEREFORDSHIRE**

**For: Mr Paul Brooks, Allsetts Farm, Broadwas, Worcester, WR6 5NS**

### **ADDITIONAL REPRESENTATIONS**

Following publication of the officer report, members were emailed directly by a local resident, whom had already made representation, further objecting to this application. This is repeated below:

*“Objection to planning proposal 191409*

*Re Tower Lodge 15, Linton Lane, Bromyard HR74DQ*

*Below are summary notes of the main issues in the above objection*

- 1. The above planning application has been rejected twice by the Bromyard Planning Committee.*
- 2. Over 50 letters of objection have already been submitted as well as a 30+ signature petition from residents in Linton Lane and Linton Park*
- 3. In a similar, relevant proposal (Red Lynch no. HCC 181415) was rejected by both councils due to over development, inadequate access road and safety. This rejection was also confirmed on Appeal (APP/W/1850/19/322258200).*

*Thus a legal precedent has already been set as Linton Lane access situation is in a far worse position than the Red Lynch case.*

- 4. Linton Lane and Linton Park are already over developed with all levels of housing/ages and no vacant plots.*
- 5. Linton lane is already inadequate for all users. due to:*
  - a. Its narrow width (under 3 metres in places) with high stone wall boundaries (part in a conservation area) which are already starting to crumble.*
  - b. No pavement or public passing areas.*
  - c. The poor condition of the road surface with the risk of underground services being damaged by construction vehicles*
  - d. Exposed main gas pipes on lower Linton Lane.*
  - e. Entrance from Tower Hill, the A44 and the Hospital expose challenges due to its accessibility and dangerous blind turns*
  - f. Service vehicles as well as hospital traffic also use Linton Lane as a short cut.*

*Thus posing a major Health and Safety issues to both the residents and public*

- 6. There is already a concern/objection letter from Welsh Water about the suitability of the drainage system of this area as well as the HRA/Phosphate issue*
- 7. The Visual Amenity/Privacy of many residents of Linton Park (especially numbers 59, 60 and 45 + 46 & 47) will be adversely affected by the above development .*

*We (as residents and concerned citizens) believe that any further development on Linton Lane is an accident waiting to happen and a major Health and Safety issue.”*

A second representation was also received, this also repeated verbatim below:

*“Our objections to the above planning application remains same as in our letter of the 13th May 2019. Furthermore we do not understand why one man for the sole pursuit of profit can have such a negative impact on so many other people's lives it is wrong and should not be allowed”.*

A further 2 emails have been received from a Kenneth James and Frances Surridge on behalf of a local caravan park. The former restating previous objections and also referring to the pursuit of profit being put before the negative impact on peoples` lives.

The latter is set out below:

*We are writing to express our concern regarding the planning application submitted to Herefordshire council for the proposed redevelopment of Tower Lodger 15 Linton Lane, Bromyard. Country Parks Ltd owns and operates Linton Park and we believe that this development will have a negative impact on the residents of Linton Park. We understand that a number of them have written to you separately to express their concern.*

*Linton lane is the only access to a number of the homes and it is both narrow and neglected. Due to the banks on the side of the lane, it is not possible to jump out of the way of cars when they drive up. The road surface is also in an extremely poor condition. As the park caters for people who are over 45 years of age, many of the people walking up Linton lane lack the mobility to get out of the way of vehicles, especially construction vehicles.*

*Country Parks Ltd supports the views of the residents of Linton Park. We believe that to agree this planning application, would cause over-development of the locality and create a hazard in a lane, that is already not suited for the existing traffic; let alone construction/additional traffic. This application clearly constitutes a health and safety issue.*

*We ask that you refuse the planning application and look to improving the lane for the existing users as a matter of urgency.*

#### **OFFICER COMMENTS**

The only new material planning consideration is the citing of an appeal decision on the other side of the A44 within the north-west area of Bromyard. Members are advised that appeal decisions can be a material consideration. However, it should also be clarified that this application has been amended since validation to omit a new dwelling in the west of site (front garden of 15 Linton Lane), and this no longer forms part of this application. In the view of officers this addresses matters of overdevelopment. Members will note that the Area Engineer Team Leader raises no objections.

#### **NO CHANGE TO RECOMMENDATION**