

**Minutes of the meeting of Planning and regulatory committee
held at online meeting only on Wednesday 30 September 2020 at
10.30 am**

Present: Councillor John Hardwick (chairperson)

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, David Summers and William Wilding

In attendance: Councillor Christy Bolderson

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Seldon.

2. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews and Councillor Summers for Councillor Seldon.

3. DECLARATIONS OF INTEREST

Agenda item 6: 193747 – Land to the North of the B4328 Much Dewchurch

Councillors Fagan and Milln declared other declarable interests because of a connection to the Steiner Academy.

4. MINUTES

RESOLVED: That the minutes of the meeting held on 26 August 2020 be approved as a correct record and signed by the Chairperson.

5. CHAIRPERSON'S ANNOUNCEMENTS

None.

6. 193747 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE

(Outline application for a residential development of up to 4 dwellinghouses (all matters reserved.)

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.

The Committee had deferred consideration of the application at its meeting on 26 August 2020.

In accordance with the criteria for public speaking, Mr A Helme, of Much Dewchurch Parish Council spoke in opposition to the scheme as a virtual attendee. Mrs R Craine, a local resident, submitted a written submission in objection to the application. This was read to the meeting. Mr P Staddon, the applicant's agent, submitted 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 Bolderson, spoke on the application. She spoke in opposition to the scheme. She noted that a flood risk assessment had not been carried out by the applicant as the Committee had requested. There was evidence that the site flooded. She advanced a number of policy grounds for refusal.

The Committee discussed the application.

The Lead Development Manager commented that conditions provided for flooding concerns to be subject to detailed assessment at the reserved matters stage. However, it was open to the Committee to take the view that it had sufficient evidence to refuse the application on the grounds that the application site was at risk of flooding.

The local ward member was given the opportunity to close the debate. She reiterated her objection to the application. She added that there were other suitable sites for development in the parish.

The Lead Development Manager advised that any grounds for refusal should be restricted to the concerns about flood risk to the application site.

RESOLVED: That planning permission be refused on the grounds that the application site was at risk of flooding and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee.

(The meeting adjourned between 11.45 and 11.55.)

7. 194052 - LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ

(Erection of one detached dwelling and two bungalows.)

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

The Senior 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.

The Committee had deferred consideration of the application at its meeting on 24 June 2020. The application had at that time been recommended for approval. The updated report highlighted that the Garway Neighbourhood Development Plan had now passed through the independent examination stage and awaited a referendum. That Plan should now be attributed significant weight. This factor combined with the already identified adverse landscape character impact of the proposal had led to a change in recommendation. It was now recommended that the application be refused.

In accordance with the criteria for public speaking for virtual meetings, Mr E Partridge, 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 Fagan, spoke on the application. She supported the recommendation to refuse the application.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. She reiterated her support for refusal of the application.

RESOLVED: That planning permission be refused for the following reason:

1. **The application seeks approval for the erection of 3 dwellings in a location that is outside of the settlement boundary for Broad Oak, as defined in the Garway Neighbourhood Development Plan. Given the weight to be afforded to the Garway Neighbourhood Development Plan, the site is considered to be in the countryside and does not accord with the exceptions set out in paragraph 79 of the National Planning Policy Framework as required by policy GAR1 of the Garway Neighbourhood Development Plan. In undertaking the test set out in paragraph 11d)ii of the National Planning Policy Framework, in light of the Council's current housing land supply position, the following identified adverse impacts:**

- **Conflict with policy GAR1 of the Garway Neighbourhood Development Plan (post examination stage), which can be afforded significant weight.**
- **Landscape character harm arising from the erosion of the important rural gap between Broad Oak and the farm buildings at Caldicott Farm and the establishment of a harmful suburban linear development pattern, contrary to policies SS6, LD1 and RA2 of the Herefordshire Local Plan – Core Strategy and policy GAR4 of the Garway Neighbourhood Development Plan.**

Which would significantly and demonstrably outweigh the benefits at a time when the supply of housing, in both the Parish of Garway and the wider Ross Housing Market Area, has exceeded the minimum growth targets. halfway through the plan period.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against local and national planning policy, including updating the applicant on the progress of the Garway Neighbourhood Development Plan (GNDP) and the implications of this, and any other material considerations. The applicant was advised of the implications of any conflict with the Development Plan and GNDP at both pre-application stage and during the consideration of this application. This is an issue of principle, such that it is not possible to negotiate a positive way forward.**

8. 200680 - THE HAY MEADOW, PRESTON WYNNE, HEREFORD, HR1 3PE

(Erection of domestic outbuilding for purposes incidental to the enjoyment of the hay meadow, including associated extension to the residential planning unit.)

(Councillor Paul Andrews 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.

The Committee had deferred consideration of the application at its meeting on 24 June 2020

In accordance with the criteria for public speaking for virtual meetings, Mr K Hewison of Withington Group Parish Council spoke in opposition to the application as a virtual attendee. Mr F O'Neill, a local resident, submitted a written submission in objection to the application on behalf of himself and other residents. This was read to the meeting. Mr E Thomas, 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. He opposed the application remarking on the scale and design of the proposed building and local opposition to it.

The Committee discussed the application.

The Lead Development Manager commented that the scale of the building, in comparison to permitted agricultural development, was relatively modest. He suggested that an additional condition on slab levels should be added. He noted the scope for the applicant to exercise permitted development rights if the application were refused.

The local ward member was given the opportunity to close the debate. He re-emphasised the local opposition to the application. He requested that, if the application were, however, to be approved the proposed conditions be enforced.

RESOLVED: That planning permission be granted subject to the following conditions, the addition of a condition on slab levels, 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 shall be carried out strictly in accordance with the following approved plans, Drawing Numbers:**

- Elevation and floor plans – 329 03 Rev A**
- Block plans – 329 02**
- Site location plan - 329 01**

except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be**

used externally on walls, roofs and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5 The outbuilding and access thereto must be reserved for the garaging or parking of private motor vehicles in the ownership of residents of the host dwelling and the garage shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected within the curtilage of the dwellinghouse other than those expressly authorised by this permission.

Reason. In the interests of the amenity of the development and to comply with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7 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 comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4.

- 8 Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements and TWO bird nesting boxes 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. No external lighting should illuminate any habitat enhancement, boundary feature or adjacent habitats.

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 LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

- 9 All planting, approved scheme (Block plans – 329 02) shall be carried out in the first planting season following the first use of the building. 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.

INFORMATIVES:

1. IP2 Application Approved Following Revisions
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts and all Bat species that are present and widespread across the County and recorded in the wider locality around this application site. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

9. **202253 - 13 BACKBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 1SD**

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

The Planning Officer gave a presentation on the application. She reported that a response had recently been received from Hereford City Council stating that it had no objection to the application.

In accordance with the Council’s Constitution, the local ward member, Councillor Foxtan, spoke on the application. She supported the application.

RESOLVED: That planning permission be granted subject to the following conditions and any other 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. CBK – Restriction of house during construction

INFORMATIVES:

1. **IP1 - Application Approved Without Amendment**

10. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 1.30 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 30 SEPTEMBER 2020

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

193747 - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGHOUSES (ALL MATTERS RESERVED) AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE

For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU

ADDITIONAL REPRESENTATIONS

On the 26th of September 2020 the following additional representation was received from the Parish Council:

If I have missed anyone off I apologise and please could this be forwarded on to them. Much Dewchurch Parish Council would like you to view the attached photographs prior to your site visit on Tuesday and the committee meeting on Wednesday. The first four photos are of the ACTUAL proposed site, not the surrounding area, and the others are of the garden and setting of the Grade II listed Old Rectory situated directly opposite the proposed site.



OFFICER COMMENTS

The matter of flooding has been fully addressed in the Officer's Report, see paragraphs 6.19 – 6.26 and recommended conditions 12 and 13. As well as the latest technical response from the Council's consultant Land Drainage Engineer provided at paragraph 4.6 of the Officer's Report.

NO CHANGE TO RECOMMENDATION

194052 - SITE FOR THE ERECTION OF ONE DETACHED DWELLING AND TWO BUNGALOWS AT LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ

For: Messrs Partridge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG

ADDITIONAL REPRESENTATIONS

On the 26th September 2020 the following five letters of objection were received from local residents:

- N Franklin:

I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.

I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-

1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;

2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14 per cent proportional housing growth target for the period until 2031;

3) The proposal is the worst kind of unfettered ribbon development with resultant landscape harm; and

5) It would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weight should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to undermine it at the earliest opportunity would undermine the very the democratic process that neighbourhood planning seeks to embody.

I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.

- J Harris:

I am a local resident living close to the above application site. I understand that the application is being brought to the Planning Committee this week with a recommendation for refusal. I do hope that you follow the Officer's recommendation and vote for the refusal of this application. The reasons are as follows:

1) The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan.

2) Broad Oak has already exceeded the 14 per cent proportional housing growth target for the period until 2031; the same applies to the Garway parish as a whole.

3) The proposal extends the ribbon development which is unsuitable for a narrow and rural country lane, and would lead to more landscape harm, in particular further loss of significant and ancient hedgerow.

4) What is the point of the hours of work that have been put into the Garway Neighbourhood Development Plan if the Broad Oak settlement boundary is ignored at its first test? This would show a disdainful lack of respect for the local democratic process.

I trust that you will vote against this application in accordance with your own Officer's professional recommendation.

- C Adamson:

I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.

I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-

1). *The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination. Should the Planning Committee decide to ignore the NDP by granting permission to this development then it begs the question as to why the local community has spent time and effort over several years in producing a plan that best fits the interests of the locality. Such a decision would be a travesty of the democratic process;*

2). *Garway Parish, which includes Broad Oak hamlet, has already exceeded the 14 per cent proportional housing growth target for the period until 2031;*

3). *This is yet another example of out of control ribbon development on farmland with resultant landscape and environmental harm. Already, recent unwelcome developments in the village have caused the removal of traditional, ancient field hedgerow bordering a country lane to be replaced with concrete kerb, tarmac, grassed suburban verges and urban road signage. Is this type of development really acceptable in the Herefordshire countryside? Our stunning landscape and rural setting - a draw for tourism to the county - will be forever marred by such developments.*

I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.

- J Thorpe and T Fawkes:

We are Broad Oak residents and understand that application 194052 is being reported to the Planning Committee this coming Wednesday with an Officer recommendation for refusal.

We are keen for you to follow the recommendation and vote for the refusal of this application based on the following considered rationale:-

1) *the application site lies outside of the settlement boundary of Broad Oak set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;*

2) *both Broad Oak and Garway have already exceeded the 14 per cent proportional housing growth target for the period in the parish until 2031;*

3) *in our opinion based on having lived here a number of years, this proposal spoils the particular character of the settlement of Broad Oak and surrounding countryside; and*

4) *We believe in the work put in to developing the Garway NDP and we believe that breaching the plan undermines the democracy that neighbourhood planning stands for.*

We trust that we can rely upon your vote to refuse this application in accordance with your own Officer's professional recommendation.

- J Blamey:

I am writing to you as a local resident who lives in close proximity to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.

I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-

1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;

2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14 per cent proportional housing growth target for the period until 2031;

3) The proposal is the worst kind of unfettered ribbon development with resultant landscape harm; and

4) It would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.

I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.

On the 28th September 2020 the following two letters of objection were received from local residents:

- **Katie Cripwell:**

I am writing to you as a local resident who lives adjacent to the above application site. The application is being reported to the Planning Committee this coming Wednesday with a recommendation for refusal.

I strongly urge you to follow the Officer recommendation and vote for the refusal of this application for the following summarised reasons:-

1) the application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination;

2) both Broad Oak itself and Garway Parish as a whole have already exceeded the 14% proportional housing growth target for the period until 2031;

3) the proposal is the worst kind of unfettered ribbon development with resultant landscape harm;

4) it would be travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.

I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officer's professional recommendation.

- **H Cripwell**

As a neighbour of the applicant, I would like to re-iterate our objection to the Lemsford planning application.

1) The application site lies outside of the settlement boundary of Broad Oak as set out in the Garway Neighbourhood Development Plan that has recently reached Regulation 16 Stage and that now carries significant weight following examination; Broad Oak is already creeping outwards towards Welsh Newton with developments that have already been approved and this is very detrimental to the character of the hamlet of Broad Oak.

2) *The Lemsford development will constitute over-development of Broad Oak. both Broad Oak itself and Garway Parish as a whole have already exceeded the 14% proportional housing growth target for the period until 2031;*

3) *The proposal is the worst kind of unfettered ribbon development with resultant landscape harm;*

4) *It would be a travesty for the Broad Oak settlement boundary as set out in the Garway NDP to be breached on the very first occasion since it reached the stage whereby significant weighting should be attached to it. The local community has worked tirelessly to progress the Garway Parish NDP and to breach it at the earliest opportunity would undermine very the democratic process that neighbourhood planning seeks to embody.*

5) *We are very concerned about all the run-off and drainage pipes from the developments already approved in Broad Oak, as well as from the Lemsford proposal. As you will see from the drainage schemes submitted with the applications below, the ultimate destination from these developments is down to Cwm Maddoc Farm, where it flows into a pond in our garden.*

*4 dwellings (P180061) Construction completed
2 dwellings (183951) Construction commenced
3 dwellings (194052) Lemsford*

Recent flooding earlier this year shows clearly how the sewage and drainage systems put in place for these developments becomes completely overwhelmed in heavy rain.

I trust that I can rely upon you to vote for the refusal of this application in accordance with your own Officers' professional recommendation.

OFFICER COMMENTS

The above detailed representations, submitted following the publishing of the Officers Committee Report, do not raise any new material considerations.

NO CHANGE TO RECOMMENDATION