

Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 6 May 2022 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Dave Boulter, Clare Davies, Elizabeth Foxton, Tony Johnson, Mark Millmore¹, Jeremy Milln, Felicity Norman, Paul Rone, John Stone, Kevin Tillet, Yolande Watson and William Wilding

In attendance: Councillor David Hitchiner (virtual/remote attendance)

Officers: Development Manager North Team and Senior planning, highways and regeneration lawyer

61. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Paul Andrews, Polly Andrews, Sebastian Bowen, John Hardwick and Graham Jones.

62. NAMED SUBSTITUTES (IF ANY)

Councillor Dave Boulter acted as a substitute for Councillor Paul Andrews
Councillor Kevin Tillet acted as a substitute for Councillor Polly Andrews
Councillor Clare Davies acted as a substitute for Councillor Graham Jones

63. DECLARATIONS OF INTEREST

There were no declarations of interest.

64. MINUTES

RESOLVED: That the minutes of the meeting held on 16 March 2022 be approved.

65. 212634 - TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ (Pages 11 - 12)

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking a statement was read out on behalf of Mr Bowen-Jones, Pyons Group Parish Council, Mr Garvey, local resident, spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. A statement from the local members was read to the committee. In summary he

¹Councillor Millmore took his seat on the committee at 10:59 a.m.

explained that the application site fell outside of the proposed neighbourhood development plan agreed settlement boundary. He explained that the five year land supply was currently sufficient and the Pyons Group Parish Council had exceeded its new homes target. The proposed site was productive agricultural land and on green belt land. There was concern that the approval of the application could lead to more substantial development in the area. Drainage from the site was raised as a concern and the impact on the River Lugg and its tributaries. The lane in front of the application site was too narrow and inadequate for access; the application would result in additional noise, traffic and pollution. The sustainability of the location of the application was questioned in a village without a regular bus service and no walking or cycling facilities. It was noted that new homes had been built in the locality which had then stood vacant.

The committee discussed the application.

A motion that the application be approved, consistent with the case officer's recommendation, was moved and was carried by a simple majority.

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 limits for implementation**
2. **C06 – Development in accordance with approved plans**

Pre-commencement Conditions

3. **Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the approved dwellings and a fixed datum point outside of the site shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

Conditions Requiring Discharge

4. **With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**
 - a) **Details and/or samples of materials for external walls and roofs**
 - b) **Details of all windows and doors (and associated panelling detail)**
 - c) **Details and/or samples of rainwater goods**

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character

and amenity of the area in accordance with policies RA2, SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policy PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

5. Prior to any works to or removal of the existing roadside hedgerow commencing, a Translocation and Management plan shall be submitted to the LPA for written approval. The supplied plan must include a detailed method statement, establishment maintenance and ongoing management details. The approved plan shall subsequently be implemented and the hedgerow thereafter maintained in full as stated, unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

6. Prior to the first occupation of the development hereby approved, a detailed design specification for the foul water management scheme shown on approved plan 100A shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a detailed design specification for the surface water drainage system (including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. With the exception of site clearance and groundworks, no further development shall take place until full details of the proposed scheme of renewable energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied on 2nd March 2022) have been supplied to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved prior to the first occupation of the dwellings.

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

9. 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, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 10. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained in perpetuity.**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

- 11. Prior to first occupation of any dwelling approved under this consent the legally binding details of how all shared aspects of the foul and surface water drainage scheme will be managed for the lifetime of the development shall 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 comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4

Compliance Conditions

- 12. All planting, seeding or turf laying in the approved landscaping scheme shown on plan 1823.00A 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, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

- 13. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles 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 72 metres to the west and 51 metres to east 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, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

- 14. All foul water shall discharge through plot specific Package Treatment Plants with final outfall discharging to a shared system utilising a drainage ‘mound’ on land under the applicant’s control; and all surface water discharging through a shared system with a regulated flow discharge to a local watercourse under the applicant’s control.; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

- 15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Ecology Services dated November 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.

- 16. At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, 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. 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.**

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

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.**

There was an adjournment at 10:41 a.m.; the meeting reconvened at 10:59 a.m.

Councillor Mark Millmore took his seat on the committee at 10:59 a.m.

66. 213842 - CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SN (Pages 13 - 14)

The planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda and appended to these minutes. An update on the representation received from the sufficiency, planning and capital investment manager, as contained in the update sheets, was provided. The objection to the application had been made under the misapprehension the outdoor classroom would be enclosed on each side; it was clarified that the front and side of the outdoor classroom would remain open and the objection had been retracted.

There were no public speakers to the application.

In accordance with the council's constitution the local Ward members spoke on the application. In summary he explained that he supported the application which would provided better facilities at the school.

A motion that the application be approved, consistent with the case officers recommendation, was moved and carried unanimously.

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. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans and materials**
- 3. The outdoor classroom shall be used only during the school day only.**

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. Prior to the first use of the building hereby permitted, the building shall be completed in accordance with the approved plans 349-02 Rev C & 349-03 and materials.**

In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework

- 5. The building hereby permitted shall be used solely as an outdoor classroom for a teaching and/or learning space and not as a permanent classroom.**

Reason: The local planning authority is only prepared to allow this building as an outdoor classroom to support an educational need for these facilities having regard

to Policies SC1, SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies C6 and C9 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework.

INFORMATIVES:

1. 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. Non Standard

67. 220137 - COUNTY GROUND OFFICES, HEREFORD, HEREFORDSHIRE, HR4 9NA

The senior planning officer gave a presentation on the application.

There were no public speakers to the application.

In accordance with the council's constitution the local Ward members was given the opportunity to speak on the application. She provided her apologies but had indicated her support for the application.

A motion that the application be approved, consistent with the case officers recommendation, was moved and carried unanimously.

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. Time limit for commencement (full permission)

2. C06 (Development in accordance with approved plans)

The development shall be carried out strictly in accordance with the approved plans (Site Location Plan, 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 (2021).

3. CNS (Non-Standard Condition)

Prior to first use of the approved development, an addendum to the community use agreement, as approved under P182950/F, shall be submitted to and approved in

writing by the Local Planning Authority. The updated agreement shall incorporate the approved development under this decision notice and how this relates to the Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict accordance with the updated approved agreement.

- Reason: To secure and maintain a well-managed and safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).
- 4.

CNS (Non-Standard Condition)

The approved tannoy system shall only be used as a public address system, to be used for Lads Club FC first-team games only. In addition, no amplified or any music shall be played through the approved tannoy system at any time, nor shall it be used outside the following times: 12:00-21:00 Monday-Sunday inclusive. The approved tannoy system shall be used for no other purposes, unless listed above.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

5. **CC1 (Details of External Lighting)**

Details of any external lighting proposed to illuminate the approved stands shall be submitted to and approved in writing by the local planning authority before their relevant installation. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the approved development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

INFORMATIVES:

1. IP2 – Application Approved Following Revision/Amendments/Additional Information
2. I05 – No drainage to discharge to highway
3. I11 – Mud on highway
4. I35 – Highways Design Guide and Specification
5. I33 – Ecology (General)
6. I10 – Access via public right of way
7. INS – The LPA would advise the applicant that in the event of activities from the premises and the proposal being perceived to cause a noise nuisance to neighbouring residents, there are legal powers and duties under the Environmental Protection Act 1990 by Environmental Health to investigate and require the abatement of the nuisance, as necessary.
8. INS – The LPA would advise the applicant that they may wish to contact Network Rail and to engage with Network Rail Asset Protection assetprotectionwales@networkrail.co.uk to determine if a Basis Asset Protection Agreement is needed for these works.

68. DATE OF NEXT MEETING

Noted.

The meeting ended at Time Not Specified

Chairperson

212634 - PROPOSED TWO DETACHED SINGLE STOREY DWELLINGS IN CARTSHED FORM AT TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ

For: Austin per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

None received

OFFICER COMMENTS

In response to a Member question during Site Inspection, the site is located in an area that has a Grade 2 'very good' agricultural land classification.

CHANGE TO RECOMMENDATION

N/A

213842 - PROPOSED CONSTRUCTION OF OUTDOOR CLASSROOM AT CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HR2 9SN

For: Mrs Honey per Mr Matt Hobby, Easters Court, Leominster, Herefordshire, HR6 0DE

ADDITIONAL REPRESENTATIONS

- Sufficiency, Planning & Capital Investment Manager from the Children and Families Directorate:
 - “The Children & Families Directorate have not been specifically consulted on this application even though it relates to a school building, however, it was one that we were aware of and had agreed with the school. That said, I have just looked on the planning portal to see the current status of this application as there is another project that we wish, as a council, to undertake at the school which is dependent upon this planning application.
I can see that the plans have now changed. I assume that this is in relation to the comments received by the neighbour and the Parish Council. The plans are now showing that the entire room is enclosed, so this is no longer an outdoor classroom but a log cabin. The idea behind the outdoor classroom was that it could be used as a teaching space by the school for outdoor activities but would not be a permanent use facility. Replacing this with a log cabin means the room can be used all year round and will be considered as an additional permanent classroom base which we do not require at the school (and would result in a potential increase in pupil numbers) and defeats the object of removing the portacabin that is currently on site (for which planning has expired).
I am therefore unable to support this application with the plans as they are now proposed. Should the rear of the outdoor classroom be fully enclosed but the remaining sides open, this would be acceptable as it would not constitute an all year round facility.
Should you need any further information in relation to any of the above then please let me know.”

OFFICER COMMENTS

The above representation has not been considered in the Officers Report. The following comments should be considered:

It is important firstly to define what an ‘outdoor classroom’ is. The following definition comes from Academy Today which is a digital platform featuring education news/opinions/reviews etc. found at the following link: [Six ways outdoor classrooms can benefit learning | Academy Today](#) “an outdoor classroom is an external shelter within the school grounds, which creates an extended covered practical area for outdoor learning and play”.

As amended, the rear elevation would now be enclosed, however the front elevation would remain fully open. As such officers do not consider that the building is representative of a ‘log cabin’ but rather that the building would still fall within the description of an ‘outdoor classroom’. Notwithstanding, in order to address the concerns raised an additional condition

which aims to ensure that the building is used as a teaching / learning space only and not as a permanent classroom is recommended.

CHANGE TO RECOMMENDATION

Additional condition:

The building hereby permitted shall be used solely as an outdoor classroom for a teaching and/or learning space and not as a permanent classroom.

Reason: The local planning authority is only prepared to allow this building as an outdoor classroom to support an educational need for these facilities having regard to Policies SC1, SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies C6 and C9 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework.