

Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 29 June 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Dave Boulter, Clare Davies, Elizabeth Foxton, John Hardwick, Mark Millmore, Jeremy Milln, Felicity Norman, Tim Price, Probert, John Stone, Kevin Tillet and Yolande Watson

In attendance: Councillors Pauline Crockett, David Hitchiner and Peter Jinman

Officers: Senior Lawyer and Lead development manager

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Polly Andrews, Sebastian Bowen and Tony Johnson.

9. NAMED SUBSTITUTES (IF ANY)

Councillor Kevin Tillet acted as a substitute for Councillor Polly Andrews
Councillor Tim Price acted as a substitute for Councillor Sebastian Bowen
Councillor John Stone acted as a substitute for Councillor Tony Johnson

10. DECLARATIONS OF INTEREST

Councillor Mark Millmore declared a schedule one, pecuniary interest in respect of agenda item no. 7, application 214046 – Land at Lyde Court and would leave the meeting room during consideration of the item.

Councillor Dave Boulter declared an other interest in respect of agenda item no. 7, application 214046 – Land at Lyde Court and agenda item no.9 – Magnolia Farm; the agent for both applications was a known associate.

Councillor Jeremy Milln declared an other interest in respect of agenda item no. 7, application 214046 – Land at Lyde Court and agenda item no.8 – Ladygrove Cottage; applications 212673/212674 – the applicants for both applications were known associates.

Councillor John Hardwick declared an other interest in respect of agenda item no. 7, application 214046 – Land at Lyde Court and agenda item no.8 – Ladygrove Cottage; applications 212673/212674 – the applicants for both applications were known associates.

11. MINUTES

RESOLVED: That the minutes of the meeting held on 24 May 2022 be approved.

12. **211678 - LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE** (Pages 13 - 14)

The development manager, majors team gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Jones spoke on behalf of Longtown Parish Council, Mr Arthur, local resident, spoke in objection to the application and Ms Sgueglia, planning agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. He explained that the redirection of the application had been undertaken due to the level of public interest. The Longtown Neighbourhood Development Plan (NDP) would be tested by the application; the NDP had established what development the local community required to thrive and grow. The current application was not in accordance with the requirements as set out in the NDP; the houses were of the wrong height and wrong size. The sustainability of the application was questioned and it was noted at the local school was oversubscribed. Issues concerning the capacity of the sewage treatment works were raised and problems with the water supply and water pressure in the village generally. Both issues required resolution prior to any development in Longtown, similar to that proposed in the current application.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate. He explained that the application was speculative development and not in-keeping with the locality, contrary to the NDP. The capacity of the local sewage treatment works was inadequate and the problems affecting the water supply to the village should be dealt with comprehensively rather than focused singularly on the proposed development site. The committee was urged to refuse the application in its current form.

A motion that the application be refused due to: unacceptable housing mix and scale of development proposed in the application (contrary to RA2 of the core strategy and LGPC2 of the Longtown NDP) was proposed by Councillor Yolande Watson and seconded by Councillor John Hardwick. The motion was put to the vote and was carried by a simple majority.

Resolved - that planning permission is refused due to: unacceptable housing mix and scale of development proposed in the application (contrary to RA2 of the core strategy and LGPC2 of the Longtown NDP).

(Councillor Mark Millmore left the meeting at 11:11 a.m.)

(Councillor Tim Price left the meeting at 11:11 a.m.)

(There was an adjournment at 11:11 a.m.; the meeting reconvened at 11:28 a.m.)

13. **214046 - LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE** (Pages 15 - 16)

The senior 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.

The chairman outlined a change to the procedure for public speaking. He explained that he had used his discretion to allow extra time and speakers for the parish councils,

objectors and supporters. In accordance with this change to the criteria for public speaking Mr Cooper, spoke on behalf of Holmer and Shelwick Parish Council, Mr Marron spoke on behalf of Wellington Parish Council and Mr Paske, spoke on behalf of Pipe and Lyde Parish Council. Dr Williams and Mr Hanks spoke in objection to the application. Mr Waring, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. She explained that the application had been redirected due to the high level of public interest. It was noted that work on the site had already started. There was significant concern in the local communities and the application did not comply with a number of core strategy policies including SS7, SS6 and SS4. A high number of objections to the application had been received including from the six surrounding parish councils. The report contained 41 summarised concerns and issues raised in the objections. It was noted there were also 25 letters of support. The need to exercise judgement and balance in consideration of the application was highlighted.

The committee discussed the application.

The local ward member closed the debate and explained although it was considered that the application would only result in minimal impacts on local communities it was still unacceptable.

A motion that the application be approved consistent with the case officer's recommendation and with the addition of a condition requiring a logbook to be kept and to be made available for inspection by the council was proposed by Councillor Paul Rone and seconded by Councillor Kevin Tillett. The motion was carried by a simple majority.

RESOLVED – that planning permission be granted subject to the following conditions, the addition of a condition requiring a logbook to be kept and the be made available for inspection by the council and any other further conditions/amendments 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 approved plans 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. Details of any floodlighting, external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is brought into use Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the 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.

4. **The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement as recommended in the Phase 1 Ecological Survey by Heritage Environmental Contractors (2021) and the Landscape and Habitat Biodiversity Enhancement Scheme by Heritage Environmental Contractors (2021) 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), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

5.

The airstrip hereby approved shall remain unsurfaced at all times and no aircraft or aviation paraphernalia shall be permanently sited in the open at the site other than the existing pole-mounted windsock and small 6ft x 4ft wooden shed housing the flight log-book and fire extinguisher.

Reason: In order to safeguard the visual amenities of the area and the wider landscape in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority of the type and location of signage in place to warn users of rights of way about aviation from the site. Signage shall be installed on public right of way PL3 within 3 months of the date of this permission and retained in accordance with the details so approved at all times.**

Reason : In the interests of the safety and amenity of nearby rights of way users in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

7. **The use of aircraft will be restricted to fixed wing single engine piston aircraft of less than 3175kg in weight.**

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

8. **Use of helicopters be restricted to no more than 2 flights (inbound and outbound) per week.**

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

9.

There shall be no use of twin engine aircraft, jets, turbo-props nor flex-wing microlights.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10.

No flights are to take place outside the hours of 08:00 and 21:00 and there shall be no night flying.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11.

The site of the proposal shall not be used for flying training, gliders, aerobatics nor Touch and Go procedures.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12.

Between 10:00am and 3:00pm a maximum no of 3 flights (inclusive of take-off and landing) in any one hour period.

Between 08:00am to 10:00am and 3:00pm and 9.00pm weekdays only maximum 10 flights per day.

On weekends and bank-holidays there shall not be in excess of 15 flights per day.

The cumulative week (Sunday to Saturday) shall not be in excess of 35 flights per week

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

13.

All aviation paraphernalia and the structures hereby granted permission shall be removed from the land and the site restored to its original agricultural condition should the use of the site for aviation cease for longer than 12 months.

Reason: In order to safeguard the visual amenities of the area in accordance and surrounding landscape in accordance with Policy SD1 and LD1 of the 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. 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 12:50 p.m.; the meeting reconvened at 1:05 p.m.)

14. 212673 & 212674 - LADYGROVE COTTAGE, MORDIFORD, HEREFORD, HR1 4LT

(Councillor John Hardwick left the committee to act as local ward member for the next application)

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Tucker, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. He explained the applicant had lived locally for a long time and had renovated many houses. The applicant had sought advice from experts and officers and his proposal was a sound conservation project to preserve a building in Herefordshire's vernacular Style. The applicant had the support of the local parish councils.

The committee discussed the application.

The local member closed the debate.

A motion to delegate to officers to approve both the applications pending the submission of further detail and conditions to be agreed with the chairman, proposer and seconder was proposed by Councillor Felicity Norman and seconded by Councillor Elizabeth Foxton. It was considered that the public interest/benefit in the restoration of the Cottage outweighed the 'less than substantial' harm to the building as raised by the heritage buildings officer. The motion was put to the vote and carried by a simple majority.

Resolved – that the applications are delegated to officers to approve pending the submission of further detail and conditions to be agreed with the chairman proposer and seconder. The public interest/benefit in the restoration of the Cottage outweighed the 'less than substantial' harm to the building as raised by the heritage buildings officer.

(There was an adjournment at 1:40 p.m.; the meeting reconvened at 1:45 p.m.)

(Councillor John Hardwick resumed his seat on the committee)

15. 220366 - MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF (Pages 17 - 24)

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

In accordance with the criteria for public speaking Mrs Fortescue, local resident, spoke in objection to the application and Mr Thomas, planning agent, spoke in support.

In accordance with the council's constitution the local ward member provided a statement which was read to the committee. In the statement the local ward member explained that the application sought to increase the size of the units on the application site. It was noted that a future application concerning the landscaping of the site was likely to come to committee. The current application had been redirected to committee due to the level of public interest. Local objections to the application concerned the potential over-development of the application site. There were concerns locally about the retention of the Dutch barn on site and the potential for its conversion into extra accommodation. The objectors urged the committee to uphold the original, approved scheme and reject the proposed variation.

The committee discussed the application.

The local ward member closed the debate and referred to the Landscape scheme which was likely to be considered by the committee at a later date.

A motion to approve the application consistent with the case officer's recommendation was proposed by Councillor John Hardwick and seconded by Councillor Paul Andrews. The motion was put to the vote and carried by a simple majority.

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

1. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 339.21.LD 01 Rev B, MG-FM-21-01 C, MAG-FM-21-04 Rev B, MAG-FM-21-3 Rev D, MAG-FM-21-02 Rev D, MAG-FM-21-07 Rev E, MAG-FM-21- 08 Rev E) and the schedule of materials indicated thereon.

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.

2. Unless otherwise approved by this permission, the materials to be used externally on walls and roofs shall be in accordance with the approved details submitted and discharged under reference P212020/XA2.

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.

3. The finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be carried out in accordance with the approved details submitted and discharged under reference P212020/XA2.

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

4. Details of the guttering, down pipes and all associated fittings shall be carried out in accordance with the approved details submitted and discharged under reference P212020/XA2.

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6 Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

7 Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

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

8 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

9 Parking for site operatives and visitors shall be retained as discharged under reference no 212020/XA2 and kept available during the remaining construction of the development.

Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10 The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details discharged under reference no 212020/XA2 and available for use prior to the occupation of any of the dwellinghouses hereby permitted. Thereafter these facilities shall be maintained.

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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11 The approved CEMP discharged under reference no 212020/XA2 shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.

12 All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. In compliance with Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

13 All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form and drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.

14 At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This

is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC 2006. NPPF-DEFRA Dark Skies Guidance 2013 (2018).

15 The soft and hard landscaping details submitted and discharged under 212020/XA2 should be carried out as per these details.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16 The soft landscaping scheme approved under condition 15 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17 Within six months of any of the solar photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the 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. 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.

16. 214297 - BROOK HOUSE BUNGALOW, KIMBOLTON, LEOMINSTER, HR6 0EJ

(Councillor John Stone left the committee to act as local ward member for the next application)

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Rollings, spoke on behalf of Kimbolton Parish Council, Mr Ferguson, local resident, spoke in objection to the application and Mr Duggan, applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. He explained that permission for an entrance to the field had been granted in 2014 which had now lapsed. There were now significant differences since 2014 including the implementation of the neighbourhood development plan, a significant number of objections regarding the new proposal and highway safety concerns. There was concern that the new access increased the risk to safety on the highway and that the proposed hardstanding presented a flooding risk to nearby residential dwellings through water runoff. It was noted that the field, to which the new access would be attached, had not been used for agricultural purposes for a lengthy period of time and the future use of the field was questioned. The proposal posed an unacceptable impact on the landscape through the removal of the hedgerow.

The committee discussed the application.

The local ward member closed the debate and explained that the loss of the hedgerow and subsequent impact on local wildlife was a significant concern. The impact of the new entrance on highway safety was a concern and it was felt that the current access to the field was safer than that proposed in the application.

A motion that the application be refused due to the unacceptable impact of the proposal on the Landscape, in particular the removal of the hedgerow, was proposed by Councillor Jeremy Milln and Seconded by Councillor Felicity Norman. The removal of the hedgerow was contrary to: the council's declaration of a climate and ecological emergency; policies LD1 LD2 and LD3 of the core strategy; and policy K10 of the Kimbolton neighbourhood development plan. The motion was put to the vote and carried unanimously.

Resolved – that planning permission is refused due to the unacceptable impact of the proposal on the Landscape, in particular the removal of the hedgerow. The removal of the hedgerow is contrary to: the council's declaration of a climate and ecological emergency; policies LD1 LD2 and LD3 of the core strategy; and policy K10 of the Kimbolton neighbourhood development plan.

17. DATE OF NEXT MEETING

Noted.

The meeting ended at 2.55 pm

Chairperson

SCHEDULE OF COMMITTEE UPDATES

211678 - PROPOSED RESIDENTIAL DEVELOPMENT OF 6 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING. AT LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE,

For: Ms Price per Miss Katherine Dowdall, Office 16 House 1, 2nd Floor, The Maltings, East Tyndall Street, Cardiff, CF24 5EA

ADDITIONAL REPRESENTATIONS

Local Ward Member Councillor Peter Jinman has provided the photograph below, together with the following text:

The reason for sending this picture was as a result of this morning's site visit and the request that I send this as evidence of the lack of functionality of the sewage plant at Longtown to cope even now with the current output. It shows quite clearly the notable overflow from the plant which will be referred to by Parish Councillors as well as by me tomorrow at the hearing. The system is not fit for purpose now and any further building in the village should only occur after the infrastructure has been dealt with to meet any increase in demand.



214046 - PROPOSED CHANGE OF USE OF LAND, AS AN AERODROME CONSISTING OF THE CONTINUED USE OF A GRASS AIRSTRIP, RE-USE OF AN EXISTING BARN AS HANGARAGE AND FOR MAINTENANCE AND ASSOCIATED LANDSCAPING. AT LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE

For: Mr Waring per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

Further correspondence from the Ministry of Defence (MOD) was received on 22 June and further confirms they have no objections to the proposal.

An additional representation was received from the applicant's agent on 27 June which was sent to all members of this committee, including named substitutes for today's meeting. The representation attempts to respond to a number of frequently raised concerns received through letters of objection.

OFFICER COMMENTS

The additional representations have been reviewed and are not considered to raise any new planning considerations which are not otherwise considered in the report.

NO CHANGE TO RECOMMENDATION

220366 - PROPOSED VARIATION OF CONDITION 2 AND 4 FOLLOWING GRANT OF PLANNING PERMISSION. 183083/F (CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO RESIDENTIAL DEVELOPMENT (USE CLASS C3). INCLUDING DEMOLITION, CONVERSION AND EXTENSIONS OF AGRICULTURAL BUILDINGS TO FORM 3 NO. DWELLINGS) AT MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF

For: Mr Kirk per Mr Jethro Kirk, The Cart House, Canon Bridge Madley, Hereford, Herefordshire HR2 9JF

ADDITIONAL REPRESENTATIONS

From Mr & Mrs Fortescue, R Williams & C Jenkins

‘REPRESENTATIONS PLANNING REPORT 220366

We ask members of the Committee to consider the following representation from the majority of the residents of Canon Bridge who support the existing plan, 183083, for the development of the Magnolia Farm site. The following refers to the headings and numbering in the Planning Officers Report and the two should be viewed in conjunction.

1.Site Description and Proposal

1.2 Condition 4. states that:

‘Before work commences on the features identified in this condition, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority’

*This condition was discharged on 6th Jan 2022 as part of application 212020. As it no longer exists, we assume it cannot be varied. In any event, it would appear to have no bearing on this application for a large extension to unit 2 and fundamental changes to the landscape plan. The latter was a requirement of condition 16: it was in the same application as condition 4, and was discharged on June 6th 2021. It is the **existing landscape plan** and is not listed in drawings for this application. The committee therefore has no point of reference for the changes that are being proposed. There are a number of other landscape plans listed in this application, none of which have been approved: but the existing landscape plan can only be found in application 212020. This has led to confusion as evidenced in the comments in 4.2 of the **Consultation Summary in the Planning Report** for this application. In view of this, we would ask the committee to discount any comments made in 4.1, 4.2, and 4.3.in the Report.*

Condition 2. states that:

‘The development shall be carried out strictly in accordance with the approved plans (drawing nos. 113765-001B, 11375-013B, 113765-14B and 113765-015C), except where otherwise stipulated by conditions attached to this permission.’

Drawing 113765, the '**block plan**', would need to be removed, not varied, in order to approve the landscape plan proposed in this application, otherwise the two would be in conflict. The existing landscape plan, approved and discharged June 6th 2021, as noted in the previous paragraph, has been discharged and no longer exists, therefore a new plan would be required. It's difficult for the Committee to assess this as neither the existing block plan nor the existing landscape plan are in the drawings that support this application. Also, a building belonging to the adjacent property is shown in the garden of unit 3 on the site and the location drawings that support the application.

Any variation to drawings 13765-14B (the floor plans) and 113765-15C (the elevations) in **condition 2**, would conflict with **condition 6**, in the existing permission. Condition 6 states that:

'Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.'

The condition prevents further development where the original application was for a change of use. There is an important point to be made here in relation to the **description** in the original permission granted for 183083. The permission states that it's for '**change of use of agricultural buildings to residential development**'. If an application to change or remove **condition 6** is made, it would be a change to the description of the permission granted, and that would require a new application.

The appropriate sections in the Town and Country Planning Act are as follows:

SCHEDULE 2

Permitted development rights

PART 1

Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is **not permitted by Class A** if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)

The same applies to sections B and C roofs, D porches and external doors, E enclosures incidental to the enjoyment of the dwelling house, eg car ports. In any event, the extension would not meet the size, height or distance criteria in schedule 2 of the Act.

A.1 Development is not permitted by Class A if—

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse.

Condition 6. Also requires compliance with Policy RA5 of the Herefordshire Local Plan that states:

*‘Any planning permission granted pursuant to this policy (**Re-use of rural buildings**) will be subject to a condition restricting permitted development rights for future alterations, extensions and other developments.’*

Approval of a variation to **condition 2** also conflicts with **conditions 13 & 14** requiring surface and foul water drainage to be managed through the Scheme proposed in the Flood Report that supported the original Local Authority Application (183083) and, conformity with the council’s policy that

‘at no point shall any part of any soakaway drainage field be constructed closer than 50 meters to the river bank or boundary of River Wye SSSI’

The boundary runs along the top of the high bank and includes the riparian zone and area of annual flooding below it.

The conflict with 13 and 14 arises because:

1. the additional roof area created by the proposed extension and indefinite retention of the large freestanding dutchbarn, together with new parking areas and the absence of water butts would increase surface water runoff. As stated in the Flood Risk Assessment for application 183083:

‘The alteration of natural surface water flows through the development can lead to problems elsewhere, for example the replacement of vegetated areas with roofs and paved areas.’

2. The drainage pond in the proposed new landscape plan would not be permitted because it’s within the 50 metre SSSI boundary.

3. The substantial reduction in size of the garden of unit 3 to accommodate the new gardens surrounding the dutch barn in the proposed new landscape plan, is not wide enough for a foul drainage system compliant with current regulations and would fail to conform to regulations on the proximity of foul water drainage to dwellings, boundaries and mains water supply to other properties.

The gates to the new parking area for unit 1 are next to the right-angle junction on the single track road, and this conflicts with **condition 7**.

1.3 *The extension unit referred to has no footprint, it was an overhanging roof without hardstanding or masonry support. The Structural Report in 183083 states*

‘The support structure to the curved metal roof sheets to the roof of Barn B is limited. It is basically relying on the curvature of the roof and the steel braces to hold its shape. This is sufficient for an agricultural barn but would be inadequate for residential loading.’

It would be a new build, and permission for new buildings in rural Herefordshire is restricted. A new build for a single storey garage block adjoining unit 3 was approved in the original plan, in preference to an extension to unit 3. It was stated in point 6.17 of the Consultation Summary that:

‘The alterations proposed to the buildings, along with the extensions, were considered to tip the scheme over the point that cumulatively impinged on the agricultural character of the site. As a result, the extension to the Dutch barn (of unit 3) has been removed’.

The Drawings

The site plan on drawing 1.6 is correct but does not match that on the front page of the website, which is incorrect. Because the application includes fundamental changes to the existing, approved landscape plan the site boundary needs to reflect this and include the area between the proposed dwellings and the boundary of the SSSI.

Drawing 1.7, ‘Previously approved plans’ was not shown in the drawings submitted with the application: A drawing labelled ‘Block A Existing Plans and Elevations’ is shown, dated 23.01.2022. It is incorrect and not the existing plan but a derivative of a Fisher German drawing from 2017 that can be referenced in application 183083. The original drawing does not have an extension on the first floor of block A, as shown in the drawing for this application.

2. Policies

2.1 *It is for the Planning Committee to assess the inconsistencies between this application and the Herefordshire Local Plan. At a glance, policies SS1, RA2, RA3, RA5, MT1, LD4, SD1, SD3 and SD4 would appear to be affected.*

2.3 *Not relevant as the plan as needs to have been in place for more than two years to influence the decision for this application. As noted in 6.2*

2.4 *Disagree with the last sentence ‘The policies relevant to the determination of this application remain entirely consistent with NPPF and as such can be afforded significant weight.’*

From a quick review, as this is a weighty document, the following are inconsistent or raise issues of inconsistency:

Chapter 2. *Point 8 (last bullet point), Point 9, Point 11 a, b(i) and b(ii), and for decision taking d(i) and d(ii), Point 12.*

Chapter 4 *43, 48a, 48b and 48c. 58*

Chapter 15. *174a, 174d, 174e, 175, 179b, 180a, 180b, 180d, 181a, 181c, 182, 185a, 185b and 185c.*

Chapters 5, 9, 12 and 16 relate primarily to new developments and plans and/or urban sites, significant routes and are of little relevance to this application.

3. Planning History

3.1 *There is no mention of application 212020 that discharged conditions 3, 4, 5, 10, 11, 12 and 16 attached to planning permission 183083: note the inclusion of 4 and 16.*

It is of note here that 183083, 153633 and 213345 (also excluded from the list) were largely unopposed, despite taken together they tripled the number of dwellings in Canon Bridge.

4. Consultation Summary

4.1 At this stage Welsh Water have only linked the communal water main to the site, to which the developers attached five links to service for 3 approved dwellings.

4.2 See first paragraph under 1.2

5. Representations

*5.1 This is misleading as it gives the strong impression that Madley Parish council actively support the application when 'support' is the **default** position rather than 'no comment'. They did not enter into and discussions with developers or residents in the two meetings. They can only comment on issues such as flooding, overlooking, crowding and environmental issues. They would have discovered the errors in information on the website or the existing landscape plan. Also, the drainage plan that accompanies the proposed new landscape plan is contained in a second application in progress for an additional dwelling at the Magnolia Farm development (application 214677). They are therefore unable to make valid comments on **flooding** or **environmental** issues. The **crowding** issue is also contained in the 2nd application and **overlooking** is not an issue. We would ask that this point in the Planning Report is not used as evidence of support.*

5.2 The consultation responses reflect the omissions and inaccuracies in this application. As to members of the public: those who object are aware of the implications of the new proposals as documented in this representation. They are the majority of the community. Those in support are primarily from outside the community and/or have a vested interest.

6. Officer's Appraisal

6.1 The new proposals are material considerations.

6.2 Agreed, but they do not support approval of this application. The point on the Madley plan is irrelevant as a plan needs to be in place for more than 2 years before it can influence a planning decision. (NPPF section Chapter 2. 14(a))

6.3 See previous comments on conditions.

6.4 Disagree strongly with second sentence for the reasons given in this representation.

6.5 As changes were not clearly shown on the website because of the omission of the existing elevations, representations from those who are in receipt of the Planning report and papers prior to the Planning Meeting have based their representations on insufficient/ inaccurate information.

6.7 Misleading and inaccurate: the Committee should be aware of the whole comment to which this refers.

'The existing permission sought the removal of open sided curved roof projection from the north extension of unit 2. This was presumably sought on two grounds, the first being that it is open sided and would require significant works to incorporate into the habitable accommodation of unit 2 that would breach Policy RA5, and secondly to provide a visual gap between unit 2 and the ancillary building proposed between units 2 and 3.'As part of a revised scheme that splits unit 3 into two units, incorporating this element of the existing barn into habitable accommodation for unit 2 would be supportable in the context of the whole proposal and noting the visual benefits that would derive from its retention.'

The Historic Buildings Officer did not in any sense advise on the design proposal for any extension. His view was only sought for the proposed conversion of the large freestanding dutch barn that has been retained on the river side of the development, into dwellings. His comments were :

'The heritage value of the structure is not as imagined on site, it does not appear to be original and was rebuilt at some point using elements of the original structure. As such the benefit of the scheme is unlikely to outweigh the policy conflict in regards to not being a genuine conversion and inhabiting an open countryside location, making the conversion to a residential use unsupportable.'

In the drawings that support the existing permission the barn has been demolished to accommodate the gardens of the three approved dwellings. The new landscape plan in this application retains the barn indefinitely, and this has implications for the drainage plans as noted earlier.

6.8 Inaccurate: *see page 2 regarding effect on conditions 13 and 14 in the existing plan. Also, the significant reduction in size of the garden of unit 3 to accommodate the new gardens surrounding the dutch barn, prevents the installation of a foul drainage system compliant with current regulations and would fail to conform to regulations on the proximity of foul water drainage to dwellings, boundaries and mains water supply to other properties. It would not comply with NPPF 2018, Habitat regulation 2016, NERC Act 2006 and Herefordshire core strategies LL2 and SD3. The proposed split of unit 3 into two units exacerbates the problem as the two units would share this small strip of garden. The drainage system that supports the application for a fourth dwellings (214677) is, for the most part, within the restricted zone 50m from the SSSI boundary that has been positioned incorrectly on the drawings in the drainage report.'*

OFFICER COMMENTS

Unfortunately a number of representations were missed in the initial preparation of the report and these are set out below for Councillors consideration.

A total of 18 objections and 6 supportive representations have been received

Objections:

- *Misinterpretation of plans*
- *Extension to unit 2 being dominant*
- *Additional unit creating traffic to area*
- *New access track for Dutch barn*
- *Retention of Dutch barn having a detrimental impact on community*
- *Potential to increase phosphates in River*
- *Changes harm nearby heritage aspects*
- *Removal of hedgerows*
- *Cramped accommodation*
- *Noisy on site*
- *Use of Dutch barn for holiday let*
- *Intensification of site*
- *Potential of holiday lets on site*
- *Incorrect plans*
- *Drainage issues*
- *Overdevelopment*

Support:

- *No objection to the design, sympathetic and in keeping*
- *Do not agree that it is cramped development*

- *Planting of plants evident*
- *Pond beneficial for environment*
- *Addition of orchards, meadow pond and tree planting enhancement*
- *Brings a derelict site back into positive use improving visual appearance*
- *Does not create overdevelopment*
- *Reintroduction of flora and fauna on site*

Further to the above, the plan numbers references set out in condition 1 are incorrect and should read as in accordance with drawings no's (339.21.LD 01 Rev B, MG-FM-21-01 C, MAG-FM-21-04 Rev B, MAG-FM-21-3 Rev D, MAG-FM-21-02 Rev D, MAG-FM-21-07 Rev E, MAG-FM-21-08 Rev E)

Furthermore following receipt of an updated landscape plan condition 15 should be amended to read as follows:

'The soft and hard landscaping plan submitted under drawing no (339.21.Ld01 Rev B) shall be carried out as per the approved details, unless otherwise agreed in writing with the local planning authority.'

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Overall it is considered that a number of the concerns raised during the consultation process as mentioned above have been addressed by way of amended drawings and documents submitted to the LPA. Councillors are advised that a number of the representations relate directly to a separate application (Reference 214677) which remains undetermined and that consideration of the impacts and acceptability of this application must be limited to those specific variations to the approved plans. This application is simply to vary condition 2 and 4 of the extant planning permission. Concerns related to the freestanding Dutch barn to the rear of the site, drainage matters and the subdivision of unit 3 into 2 units are not material to this application and will be addressed through the determination of the separate application for full planning permission which is currently awaiting determination.

CHANGE TO RECOMMENDATION

Amend condition 2 as per update to refer to the correct drawing numbers

Amend condition 15 as per update to refer to updated landscaping proposals

